

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Sept. 1964-11, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) WINSTON, DONALD				2. Position Number		3. Date of Birth		4. Effective Date 07/17/11			
FIRST ACTION					SECOND ACTION						
5-A. Code 893		5-B. Nature of Action REG WRI			6-A. Code		6-B. Nature of Action				
5-C. Code Q7M		5-D. Legal Authority REG 531.404			6-C. Code		6-D. Legal Authority				
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority				
7. FROM: Position Title and Number					15. TO: Position Title and Number SUPERVISORY MINE SAFETY AND HEALTH SPE CC001307 P00327						
8. Pay Plan	9. Occ. Code	10. Grade/Level	11. Step/Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade/Level	19. Step/Rate	20. Total Salary/Award	21. Pay Basis
			06		PA	GS	1822	13	07		PA
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay		20B. Locality Adj.	
						.00				.00	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization MINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OFC OF THE ADMINISTRATOR FOR C COAL, DIST. 4 TECHNICAL DIV. DL M10106090304000000 PP 15 2011						
EMPLOYEE DATA					24. Tenure		25. Agency Use		26. Veterans Preference for RIF		
23. Veterans Preference 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%					1 6 - None 2 - Conditional 1 - Permanent 3 - Indefinite				YES X NO		
27. FEGLI 90 BASIC-3X ADDITIONAL					28. Annuitant Indicator 9 NOT APPLICABLE				29. Pay Rate Determinant 0		
30. Retirement Plan K FERS AND FICA				31. Service Comp. Date (Leave) 01/24/93		32. Work Schedule F FULL TIME		33. Part-Time Hours Per Biweekly Pay Period			
POSITION DATA					35. FLSA Category		36. Appropriation Code		37. Bargaining Unit Status		
34. Position Occupied 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved					E E - Exempt N - Nonexempt				8888		
38. Duty Station Code 54-1870-019					39. Duty Station (City - County - State or Overseas Location) MOUNT HOPE FAYETTE WV						
40. Agency Data		41.		42.		43.		44.			

45. Remarks

Work performance is at an acceptable level of competence.

46. Employing Department or Agency DEPARTMENT OF LABOR			50. Signature/Authentication and Title of Approving Official E/S BY: CRYSTAL L. GUY HUMAN RESOURCES OFFICER		
47. Agency Code DL MI	48. Personnel Office ID 3392	49. Approval Date 07/09/11			



PERFORMANCE MANAGEMENT PLAN FOR MANAGERS AND SUPERVISORS

General Information

Name: Don Winston
 Organization: MSHA Coal Mine Safety and Health
 Appraisal Period: 10/16/2008 To 10/9/2009

Establishment of the Performance Management Plan

We have discussed this plan; written comments have have not ✓ been attached.

Manager/Supervisor: Donald E. Winston Date: 10/1/08
 Rating Official: Robert J. Hudson Date: 10/1/08
 Reviewing Official: Robert J. Hudson Date: 10/16/2008

Mid-Term Progress Review Certification

The mid-term progress review has been conducted.

Manager/Supervisor: Donald E. Winston Date: 3/11/09
 Rating Official: Robert J. Hudson Date: 3/11/09

Performance Appraisal and Rating

	Exemplary	Exceed standards for all elements
✓	Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements
	Effective	Meet standards for all elements and may exceed standards for less than 50% of elements
	Minimally Satisfactory	Need to improve performance for one or more elements
	Unsatisfactory	Fail to meet standards on one or more elements

We have discussed this appraisal; written comments have have not ✓ been attached.

Manager/Supervisor: Donald E. Winston Date: 10/6/09
 Rating Official: Robert J. Hudson Date: 10/6/09
 Reviewing Official: Robert J. Hudson Date: 10/9/2009

**Performance
Summary**

For each element, use an "X" to indicate the appropriate rating.

Element ratings: E = Exceed, M = Meet, NI = Need to Improve, F = Fail

ELEMENT	ELEMENT RATING			
	E	M	NI	F
Managerial Competencies:				
A. Leadership	✓			
B. Resource Management	✓			
C. Coalition Building and Communication		✓		
D. Problem Solving and Initiative	✓			
Achieving Organizational Results: Identify linkage with appropriate DOL Performance Outcome Goals: For each results-specific objective, reference the related outcome goal, e.g., 1.1, 2.1, 3.3, below: (MSHA's Organizational Results Goals 1 – 3 are based on the DOL Strategic Goal 3 – Safe and Secure Workplaces, and DOL Performance Goal 3B – Reduce Work-Related fatalities, injuries, and illnesses in mines.) Result 1: MSHA Goal – Fatal Injury Incidence Rate MSHA Goal – All Injury Incidence Rate MSHA Goal - Incumbent will monitor District Mine Safety and Health program area to ensure that citations / orders are timely terminated.	✓			
Result 2: MSHA Goal - Reduce fatalities and injuries in the nation's mines by using the MSHA Key Indicators to direct resources to monitor and improve enforcement performance and quality.	✓			
Result 3: MSHA Goal – Reduce the Roof Control problems in our nation's mines.	✓			
Result 4: MSHA's Internal Employee Safety and Health Goals - (DOL Goals for President's SHARE Initiative for government wide Safety, Health and Return to Employment)		✓		

PURPOSE OF APPRAISAL:

_____ Interim Rating

_____ ✓ _____ Rating of Record

Other
Significant
Accomplishments

**Managerial
Competency
Elements**

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

A. LEADERSHIP
Performance standards for Meet:

Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, consistent with key Agency policies and priorities and economic, political and social trends affecting the organization.

Anticipates and meets the needs of clients/customers. Sets standards for customers' needs and satisfaction, and meets them.

Uses agency performance plans and other management systems to link individual performance to outcomes and to overall organizational performance objectives.

B. RESOURCE MANAGEMENT

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

Performance standards for Meet:

Ensures that staff are appropriately selected, utilized, appraised, and developed, as well as treated fairly and equitably. Takes steps to address issues of discrimination of which he or she is aware. Actively develops the talents of the staff, and develops qualified candidates for positions in the organization.

Uses informal training, continuous managerial assessments, frequent and constructive feedback and appropriate recognition to promote staff morale and to ensure quality work products and customer service.

Proactively works to maintain a safe workplace and to prevent accidents, injuries and illness. Resolves conflicts in a positive and constructive manner.

Assures that the organizational budget is administered in a manner that supports the accomplishment of program goals and reflects sound financial management.

Managerial Competency Elements

EXCEED	<input type="checkbox"/>
MEET	<input checked="" type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

C. COALITION BUILDING AND COMMUNICATION
Performance standards for Meet:

Promotes an open, communicative environment where staff can readily access resources and move forward to accomplish common goals and tasks. Handles workplace disputes promptly and effectively.

Makes clear to staff what is expected of them both individually and as a team/group; clarifies the extent of their authority.

Effectively represents the Department and the program agency internally and externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

D. PROBLEM SOLVING AND INITIATIVE

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

Performance standards for Meet:

Stressed innovation and risk-taking. Analyzes problem and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.

Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results.



**Organizational
Performance
Elements**

Provide 4 results-specific objectives that demonstrate linkage with DOL's Strategic Plan outcome goals. This section should include the major results to be achieved during the period of time covered by the performance agreement. Results need to be clearly identified and measurable. They should be phrased in a manner that will leave no doubt about whether the results were achieved; however, the results should not include detailed milestones or descriptions of the process and methods used to get the results.

PERFORMANCE AGREEMENT RESULT # 1		<p>Element 1 Reduce the Mining Fatality Injury Incidence Rate in the Nation's Mines in accordance with the GPRA Goals outlined in the DOL Strategic Plan.</p> <p>Element 2 Reduce the ALL Injury Incidence Rate in the Nation's Mines in accordance with the GPRA Goals outlined in the DOL Strategic Plan.</p> <p>Element 3 Incumbent will monitor District Mine Safety and Health program area to ensure that citations/orders are timely terminated.</p> <p>Performance is satisfactory when the status of citations issued is monitored for timeliness of abatement. Performance will be measured by the degree to which the District is able to terminate citations within the period established by policy for abatement. Progress will be measured through a report furnished by PEIR.</p> <p><i>(DOL Strategic Goal 3 Safe and Secure Workplace – DOL Performance goal 3B – Reduce work-related fatalities, injuries and illnesses in mines)</i></p>
EXCEED	✓	
MEET		
NEED TO IMPROVE		
FAIL		

PERFORMANCE AGREEMENT RESULT # 2		Reduce fatalities and injuries in the nation's mines by using the MSHA Key Indicators to direct resources to monitor and improve enforcement performance and quality.
EXCEED	✓	
MEET		
NEED TO IMPROVE		Incumbent monitors MSHA Key Indicator reports for inspector performance results outside the acceptable norms and averages for each District's unique and distinct performance levels. Incumbent understands the effects of each district's geography and work load when determining acceptable average performance baselines.
FAIL		<p>Performance is satisfactory when the incumbent demonstrates the use of the MSHA Key Indicators in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. The incumbent must ensure that the completion rate of all EOQ inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all EOQ inspections at 100% will be a goal for all mines located throughout the district office.</p> <p><i>(DOL Strategic Goal 3 Safe and Secure Workplace – DOL Performance goal 3B – Reduce work-related fatalities, injuries and illnesses in mines)</i></p>

PERFORMANCE AGREEMENT RESULT # 3		- Reduce the Roof Control problems in our nation's mines.
EXCEED	✓	- Reduce the roof control problems through evaluations of the bolt length, pillaring systems, and entry/pillar dimensions.
MEET		Reduce the problems through evaluations at the high priority mines that are in difficult geological conditions.
NEED TO IMPROVE		
FAIL		<p><i>(DOL Strategic Goal 3 Safe and Secure Workplace – DOL Performance goal 3B – Reduce work-related fatalities, injuries and illnesses in mines)</i></p>

PERFORMANCE AGREEMENT RESULT # 4		MSHA's internal employee safety and health goals for FY 2008:
EXCEED		1. reduce the total case rates for injuries and illness by at least 3% per year;
MEET		2. reduce the case rates for lost time injuries and illnesses by at least 3% per year;
NEED TO IMPROVE		3. increase the timely filing of injury and illness notices by at least 5% per year; and
FAIL		4. reduce the rates of loss production days due to injuries and illnesses by at least 1% per year. <i>(DOL Goals for President's SHARE initiative for government wide Safety, Health and Return to Employment)</i>

ATTACHMENT A

Accomplishments FY 2009 – Don Winston

A. LEADERSHIP

Mr. Winston has provided excellent leadership for his work group. It is apparent that he knows what he is doing, a technical expert in roof control, and his specialists work efficiently for him. He has set up new oversight for the group, and has added additional specialists that will add to the presence at the mines as the E01 requirements are reduced.

B. RESOURCE MANAGEMENT

Mr. Winston used his resources in an efficient manner during the year. He has added specialists which will help. He prioritized the work load to do the right tasks. He did a good job getting the plans, roof fall evaluations, and other investigations done. The pending plans are now at a more manageable level. His use of Technical Support on the problem mines has also aided in using his resources. He maintains a close relationship with the Technical Support. They confirmed Mr. Winston's evaluation on several occasions.

D. PROBLEM SOLVING AND INITIATIVE

Mr. Winston is an expert in roof control and is able to evaluate problems and arrive at the proper conclusions. He has broad engineering expertise in the field. He knows the engineers in Technical Support and has good communication abilities with all. He provided technical expertise to the Solicitor's Office during depositions and hearings involving roof control violations. His insight into problems with roof control has been exceptional. He takes the initiative to get to the mines and provide better working conditions for the miners.

Result # 1

1. The fatality incidence rate was below the target.
2. The all injury incidence rate was below the target.

The effort made by the Technical Programs Division exceeded the standard. Every specialist did an outstanding job of writing the violations and abating the violations. The few that appeared on the report were from computer problems.

This Element was exceeded.

Result # 2

The District had two chargeable fatals. The fatal incidence rate was reported as 0.0. The effort was given by everyone in the Technical Programs Division, including myself, to prevent fatalities.

This Element was exceeded.

Result # 3

Mr. Winston is an expert in his field and his advice is respected. He is a solid technical, professional engineer that is a great asset to this District. He has personally handled very difficult roof conditions, and been able to explain these conditions to the operators. He led the development of roof control plans for the control of very adverse roof conditions in many mines. He was able to explain the failure mechanics to the operators and engineers who worded the plans properly.

This Element was exceeded.

Result # 4

Mr. Winston stresses safety to his work group. He leads in providing re-enforcement to all to be safe on the roads and safe in the mines. His group has been accident free this past year. His efforts and those of his specialists have been excellent. The SHARE goals were fully supported.

Performance Management Plan for Managers and Supervisors

A. General Information

1. Employee Name (last, first, middle) Winston, Donald E.	2. Organization MSHA
3. Title, Series, Grade Supervisory Mine Safety and Health Specialist (Roof Control), GS-1822-13	4. Appraisal Period (mm/dd/yyyy) 11/23/2009 to 10/26/2010
5. Supervisory Status <input checked="" type="checkbox"/> Code 2 – Supervisor or Manager	

B. Performance Elements and Standards Certification

1. I certify that this performance plan contains accurate performance elements and standards that:	<input checked="" type="checkbox"/> Link at least one critical element to specific Department, Agency, and/or organizational strategic goal. <input checked="" type="checkbox"/> Hold the employee accountable for measurable and observable results. <input checked="" type="checkbox"/> Link to the employee's position description and reflect the duties and responsibilities assigned to the employee.
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2. Rating Official Signature <i>Richard J. Kline</i>	Date (mm/dd/yyyy) 11/23/2009
3. Rating Official Name (last, first, middle) Kline, Richard J.	
4. Rating Official Title Assistant District Manager	
5. Prototype Standards? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

C. Position Description Certification

1. Position description is correct? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, Explain below.)	2. Rating Official Signature <i>Richard J. Kline</i>
	Date (mm/dd/yyyy) 11/23/2009
	3. Rating Official Name (last, first, middle) Kline, Richard J.
	4. Rating Official Title Assistant District Manager

D. Establishment of the Performance Management Plan

1. We have discussed this plan and written comments are attached. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>No comments attached</i>	
3. Rating Official Signature <i>Richard J. Kline</i>	2. Employee Signature <i>Donald E. Winston</i>
Date (mm/dd/yyyy) 11/23/2009	Date (mm/dd/yyyy) 11/23/2009
6. Reviewing Official Signature <i>Robert G. Hardman</i>	
Date (mm/dd/yyyy) 11/23/2009	
4. Rating Official Name (last, first, middle) Kline, Richard J.	
7. Reviewing Official Name (last, first, middle) Hardman, Robert G.	
5. Rating Official Title Assistant District Manager	
8. Reviewing Official Title District Manager	

E. Mid-Term Progress Review Certification

1. The mid-term progress review has been conducted. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, Explain below.)	
3. Rating Official Signature <i>Richard J. Kline</i>	2. Employee Signature <i>Donald E. Winston</i>
Date (mm/dd/yyyy) 4/5/10	Date (mm/dd/yyyy) 04/05/2010
4. Rating Official Name (last, first, middle) Kline, Richard J.	
5. Rating Official Title Assistant District Manager	

F. Performance Appraisal and Rating

1. Indicate Performance appraisal and rating below.		2. We have discussed this appraisal; written comments are attached. <i>No Comments</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Exemplary	Exceed standards for all elements	
<input checked="" type="checkbox"/> Highly effective	Exceed standards for 50% or more elements but not all; meets standards for all other elements	
<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standards for less than 50% of elements	
<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements	
<input type="checkbox"/> Unsatisfactory	Fail to meet standards on one or more elements	

3. Purpose of Appraisal <input type="checkbox"/> Interim Rating <input checked="" type="checkbox"/> Rating of Record		7. Employee Signature <i>Donald E. Winston</i>	Date (mm/dd/yyyy) 10/25/10
4. Rating Official Signature <i>Richard J. Kline</i>	8. Reviewing Official Signature <i>Robert G. Hardman</i>	Date (mm/dd/yyyy) 10/26/2010	
Date (mm/dd/yyyy) 10/25/2010	Date (mm/dd/yyyy) 10/26/2010		
5. Rating Official Name (last, first, middle) Kline, Richard J.		9. Reviewing Official Name (last, first, middle) HARDMAN, ROBERT G.	
6. Rating Official Title ADM-TP		10. Reviewing Official Title DISTRICT MANAGER	

G. Performance Summary

1. For each element, select the appropriate rating. Element ratings: E = Exceed; M = Meet; NI = Need to Improve; F = Fail

Managerial Competency Elements	Element Rating			
	E	M	NI	F
Leadership	✓			
Resource Management	✓			
Coalition Building and Communication		✓		
Problem Solving and Initiative	✓			
Equal Employment Opportunity		✓		

Organizational Performance Elements	Element Rating			
	E	M	NI	F
Result 1	✓			
Result 2	✓			
Result 3	✓			
Result 4		✓		

H. Other Significant Accomplishments

1. Please describe other significant accomplishments in the space below.

1. Leadership

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, consistent with key Agency policies and priorities and economic, political, and social trends affecting the organization.
- Anticipates and meets the needs of clients/customers. Sets standards for customers' needs and satisfaction and meets them.
- Uses Agency performance plans and other management systems to link individual performance to outcomes and to overall organizational performance objectives.
- Promotes and maintains diverse and inclusive workforce by actively recruiting and hiring from diverse applicant pools; fostering collaboration with individuals from diverse backgrounds, perspectives, and experiences; ensuring opportunities for growth exist equitably for all employees; and providing fair and equitable recognition of accomplishments for all employees.

Narrative

See Attachment.

2. Resource Management☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail**Performance Standard for Meet**

- Ensures that staff are appropriately selected, utilized, appraised and developed. Actively develops the talent of the staff and develops qualified candidates for positions in the organization.
- Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.
- Uses Informal training, continuous managerial assessments, frequent and constructive feedback and appropriate recognition to promote staff morale and to ensure quality work products and customer service.
- Proactively works to maintain a safe workplace and to prevent accidents, injuries and illness. Resolves conflicts in a positive and constructive manner.
- Assures that the organizational budget is administered in a manner that supports the accomplishment of program goals and reflects sound financial management.
- Develops, implements, and maintains strategic and operational plans to facilitate the achievement of program responsibilities, assigned under the American Recovery and Reinvestment Act (ARRA) provisions, consistent with the Secretary's enduring vision of *Good Jobs for Everyone*. Assures that allocated ARRA funds are administered in accordance with the Department's "Operating Plans for Departmental Management Funds in the American Recovery and Reinvestment Act", and complies with Departmental requirements for accurate recording and reporting of ARRA-related activities and resource utilization.
- Actively recruits to attract and select qualified applicants with the competencies needed to successfully meet Departmental Fiscal Year 2010 hiring goals by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.

Narrative

See Attachment

3. Coalition Building and Communication☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail**Performance Standard for Meet**

- Promotes an open, communicative environment where staff can readily access resources and move forward to accomplish common goals and tasks. Handles workplace disputes promptly and effectively.
- Makes clear to staff what is expected of them both individually and as a team/group; clarifies the extent of their authority.
- Effectively represents the Department and the program agency internally and externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

Narrative

See Attachment

4. Problem Solving and Initiative

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Stresses innovation and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.
- Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results.

Narrative

See Attachment.

5. Equal Employment Opportunity

☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation; ensures EEO principles are adhered to throughout the organization.

Narrative

See Attachment

J. Organizational Performance Elements

At the beginning of the performance cycle, the rating official must provide, in Section J, four critical, results-specific elements and standards, at least one of which demonstrates linkage with the Secretary's vision of *Good Jobs for Everyone* that the employee will be held accountable for during the performance cycle. Each performance standard must be written at the Meets level and includes measures of performance such as quality, quantity, timeliness and cost effectiveness. Standards should be clear and not include detailed milestones or descriptions of the process and methods used to achieve the results.

In assigning a rating to each element, please rate the employee at one of the following four levels and include a written narrative as appropriate:

- Exceeds described level of performance (narrative required)
- Meets described level of performance (narrative not required)
- Needs to improve in order to meet the level of performance (narrative required)
- Fails to meet described level of performance (narrative required)

Result #1

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the mining fatality injury incidence rate in the District's Coal mines in accordance with the performance goals and indicators.

Demonstrates efforts toward the reduction of the ALL Injury Incidence Rate in the District's Coal mines in accordance with the performance goals and indicators.

Monitor mine safety and health program area to ensure that citations/orders are timely terminated, Hazard Condition Complaints are timely processed, and mine plan approvals are evaluated in a timely manner.

Performance Standard

Performance is satisfactory when:

A 5% reduction in FY10 from the average number of fatalities for FY2005 – FY2009.

Performance will be measured by the degree to which within their respective District, mine plan approvals are evaluated in a timely manner, the status of citations issued is monitored for timeliness of abatement, the District is able to terminate citations within the period established by policy for abatement, and Hazard Condition Complaints are timely processed. Progress will be measured by using a variety of reports.

Narrative

See Attachment

Result #2

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the fatalities and injuries in the District's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality. Monitors MSHA Coal Key Indicator and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of the District's geography and work load when determining acceptable average performance baselines.

Performance Standard

Performance is satisfactory when:

The incumbent demonstrates the use of the MSHA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. Within their respective District, the incumbent must ensure that the completion rate of all E01 inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all E01 inspections at 100% will be for all coal mines district-wide.

Narrative

See Attachment

Result #3

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Take appropriate action to ensure the District achieves a 2% reduction from the previous year for dust and noise sample results exceeding the allowable limits.

Take appropriate actions to ensure that roof control plans/programs are in compliance with regulations and agency policy.

Take progressive and proactive actions to ensure that roof control plans/programs adequately address mining conditions on a mine specific basis.

Performance Standard

Performance is satisfactory when:

Mine plan addendums are acted upon in a timely manner in accordance with the District's SOPs. Incumbent supports the District's efforts in reducing dust and noise exposures, reviews the quality of roof control plans during 6 month reviews with additional attention to target the most egregious and persistent violators of roof control standards, and ensures that the roof bolting process is not contributing to an increase in respirable dust or excessive noise.

Narrative

See Attachment

Result #4

☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Goal 10 – Voice in the Workplace:

Use all available tools in an effort to reduce and/or eliminate the inconsistent enforcement of MSHA regulations, the Mine Act and the MINER Act.

Use all available tools in an effort to reduce and/or eliminate the deficiencies identified in Accountability, District and Peer reviews. Incumbent will review findings noted in such reviews and timely implement corrective actions.

Performance Standard

Performance is met when:

- (1) MSHA handbook, policy and procedures have been followed;
- (2) Required Mine visits are completed;
- (3) Demonstrated efforts have been made to reduce or eliminate repeat audit findings and personnel are trained as necessary;
- (4) Field Activity and Second Level reviews are accurately completed and all deficiencies are addressed;
- (5) There are clear demonstrated efforts made to help assure consistency in citations/orders issued;
- (6) Hazard Condition Complaints are timely processed; and
- (7) Mine plan approvals have been adequately evaluated and appropriate approval/disapproval conducted.

Narrative

See Attachment.

ATTACHMENT A

Don Winston
Accomplishments FY 2010

1. Leadership

Mr. Winston has demonstrated his excellence as a leader, organizer, and supervisor of the Roof Control Work Group. He is confident and very knowledgeable. He can handle himself in difficult situations with the mine operators, whether at the mine or in meeting situations. Mr. Winston has long and short range goals to utilize the grossly understaffed group. He has organized the Roof Control group, and the efficiency is excellent. His planning in long and short time goals is consistent with the agencies mission. His leadership of the group follows policy and other trends in the industry. He is good at anticipating problems and keeping the proper perspective between the inspection groups and the technical work group. He has followed excellent practice in hiring and maintaining a diverse work group within the personnel policies.

2. Resource Management

Mr. Winston demonstrated his ability to effectively use the specialists assigned to his work group. Mr. Winston keeps management apprised of his group resources. In spite of this short coming, has continued to push the specialists to do quality work. He has trained them properly, assessing them, and keeping their moral at a high level. He is proactive in maintaining a safe work environment for the employees. He is very aware of the vision for good jobs for everyone, and supports its purpose.

3. Coalition Building and Communication

Mr. Winston continually talked with the CMI's, Supervisors, and ADM's to forge an understanding of the plans and procedures that are being submitted now. His communications are understandable and clear. He keeps his staff aware of the changes going on in the District and their extent of authority. He builds the communication necessary to get the cooperation within the work group, and makes the process efficient. He promotes an open atmosphere for all specialists to communicate with the district staff at all levels. He has expertly represented

the District and MSHA on plan reviews. He has shown his ability to work with all levels in the MSHA organization and with all levels in the industry.

4. Problem Solving and Initiative

Mr. Winston has a quick grasp of new rules and policies, and applies them across the board. His inspection experience has helped his group understand the problems at the mines. He teaches and coaches his specialists so they have an understanding of the policy. He suggested methods to approach the multitude of situations that came to the work group. His attitude has always stayed firm and proper in some very difficult situations. He shows his group proper innovation and risk-taking. He discusses issues with all so that they are handled properly, and prevent issues from coming up.

5. Equal Employment Opportunity

Mr. Winston ensured during the year that all EEO laws, regulations and policies were followed in the Roof Control Work Group. He promptly handled any potential problems that came to his attention. No known discrimination, harassment, or other items are known to have happened. He discusses the issues in managing the work group by talking to all in the group about the issues at hand. He exceeded this standard with his positive leadership.

Result # 1

Mr. Winston made an excellent effort in reducing the accidents and injuries while at the mines and in communication with his specialists. He talks to the miners at every occasion he gets to impart safe work practices. His specialists also show the dedication for safety. His group had few violations past due.

Result # 2

Mr. Winston has demonstrated exceptional effort when at the mines to impart health and safety and accident free work places with the miners. His specialists have also shown the same effort while at the mines. He has monitored the key indicators to help supervise the group. Mr. Winston has spread the work load through all the specialists in the work group. He understands that this District is

a large area in all of southern West Virginia. This causes good planning to enable proper use of the specialists.

Result # 3

Mr. Winston is a good Supervisor. He demonstrates each day the technical expertise that he uses in reducing the problems in the District mines. He has worked diligently in reducing the multitude of problems at the mines. Each plan is given proper evaluation, with hardly any technical issues and few mistakes. His technical knowledge shows in getting the plans evaluated properly and according to applicable regulations. He works with the other work groups to ensure the best plans are recommended for approval.

Result # 4

Mr. Winston works with his specialists to achieve a safe work place in the office and at the mines. The Roof Control group under Mr. Winston's supervision put the effort forward to prevent accidents. Mr. Winston uses all the enforcement tools in keeping the enforcement actions consistent across all mines. He coaches his staff to get the standard evaluation of all the plans. Any items that the accountability reviews identify are handled in his work group to make improvement and prevent any of these items from showing up again. Reviews that were done were done completely and with deficiencies handled. Assistance with complaints and spot inspections were done properly and professionally. All plan approvals were done technically correct.

Kline, Richard J - MSHA

From: Winston, Donald E - MSHA
Sent: Wednesday, October 06, 2010 4:52 PM
To: Kline, Richard J - MSHA
Subject: accomplishments

Roof Control Work Group Accomplishments 2010:

Roof-Control Plans and Supplements processed-	305
Ground Control Plans and Revisions processed-	112
Highwall Miner Recovery Plans processed-	10
Roof-Fall Cleanup Plans-	58
Total Plan-	485

The number of events the Roof Control Group participated in is as follows:

E01-	235 (one complete E01)
E02-	3
E03-	3
E04-	1
E06-	39
E07-	2
E08-	42
E09-	45
E16-	27
E20-	86

Note: The above numbers are not separate events, at times more than one specialist may have been on the same event.

The E06 and E09 events were UBB. A lot of Roof Control man hours were used during the recovery, monitoring the gases and guard duty.

The specialists inspected retreat mining sections for the Mt. Hope and Madison field offices on a monthly basis.

The specialists inspected roof falls and mines with adverse roof conditions and provided assistance for Remedial actions.

The group assisted other departments with computer drafting and engineering.

No injuries or accidents reported by members of the Roof Control Group this year.

As supervisor provided guidance and training for the specialists, especially the new members.

Performance Management Plan for Managers and Supervisors



A. General Information											
1. Employee Name (last, first, middle) Winston, Donald E.	2. Organization Labor, MSHA, District 4										
3. Title, Series, Grade TECH SUPERVISOR (ROOF)	4. Appraisal Period (mm/dd/yyyy) 11/29/2010 to 10/19/2011										
5. Supervisory Status <input checked="" type="checkbox"/> Code 2 - Supervisor or Manager											
B. Performance Elements and Standards Certification											
1. I certify that this performance plan contains accurate performance elements and standards that:											
<input checked="" type="checkbox"/> All critical results elements link to the Agency's operating plan. <input checked="" type="checkbox"/> Hold the employee accountable for measurable and/or observable results. <input checked="" type="checkbox"/> Link to the employee's position description and reflect the duties and responsibilities assigned to the employee.											
2. Rating Official Signature <i>Richard J. Kline</i>	Date (mm/dd/yyyy) 11/04/2010										
3. Rating Official Name (last, first, middle) Kline, Richard J.											
4. Rating Official Title ADM - TP											
5. Prototype elements and/or standards <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No											
C. Position Description Certification											
1. Position description is correct? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, explain below.)											
2. Rating Official Signature <i>Richard J. Kline</i>	Date (mm/dd/yyyy) 11/04/2010										
3. Rating Official Name (last, first, middle) Kline, Richard J.											
4. Rating Official Title ADM - TP											
D. Establishment of the Performance Management Plan											
1a. I discussed this plan with employee. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1b. Employee written comments are attached. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
2. Employee Signature <i>Donald E. Winston</i>	Date (mm/dd/yyyy) 11/04/10										
3. Rating Official Signature <i>Richard J. Kline</i>	Date (mm/dd/yyyy) 11/29/2010										
4. Rating Official Name (last, first, middle) Kline, Richard J.	5. Reviewing Official Signature <i>Robert G. Hardman</i>										
5. Rating Official Title ADM - TP	6. Reviewing Official Name (last, first, middle) Hardman, Robert G.										
	7. Reviewing Official Title DM										
E. Mid-Term Progress Review Certification											
1. The mid-term progress review has been conducted. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, explain below.)											
2. Employee Signature <i>Donald E. Winston</i>	Date (mm/dd/yyyy) 4/21/11										
3. Rating Official Signature <i>David Scott</i>											
4. Rating Official Name (last, first, middle) Mandeville David Scott											
5. Rating Official Title ADM Tech											
F. Performance Appraisal and Rating											
1. Indicate performance appraisal and rating below.											
<table border="1"> <tr> <td><input type="checkbox"/> Exemplary</td> <td>Exceed standards for all elements</td> </tr> <tr> <td><input checked="" type="checkbox"/> Highly Effective</td> <td>Exceed standards for 50% or more elements but not all; meet standards for all other elements</td> </tr> <tr> <td><input type="checkbox"/> Effective</td> <td>Meet standards for all elements and may exceed standards for less than 50% of elements</td> </tr> <tr> <td><input type="checkbox"/> Minimally Satisfactory</td> <td>Need to improve performance for one or more elements</td> </tr> <tr> <td><input type="checkbox"/> Unsatisfactory</td> <td>Fail to meet standards on one or more elements</td> </tr> </table>	<input type="checkbox"/> Exemplary	Exceed standards for all elements	<input checked="" type="checkbox"/> Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements	<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standards for less than 50% of elements	<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements	<input type="checkbox"/> Unsatisfactory	Fail to meet standards on one or more elements	2a. I discussed this appraisal with employee. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 2b. Employee written comments are attached. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Exemplary	Exceed standards for all elements										
<input checked="" type="checkbox"/> Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements										
<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standards for less than 50% of elements										
<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements										
<input type="checkbox"/> Unsatisfactory	Fail to meet standards on one or more elements										
3. Purpose of Appraisal <input type="checkbox"/> Interim Rating <input checked="" type="checkbox"/> Rating of Record	7. Employee Signature <i>Donald E. Winston</i>										
4. Rating Official Signature <i>Joseph C. Mackowiak</i>	Date (mm/dd/yyyy) 10/17/2011										
5. Rating Official Name (last, first, middle) Mackowiak, Joseph, C.	8. Reviewing Official Signature <i>Charles E. Carpenter</i>										
6. Rating Official Title Assistant District Manager - TP	9. Reviewing Official Name (last, first, middle) Carpenter, Charles E.										
	10. Reviewing Official Title District Manager										

G. Performance Summary

1. For each element, select the appropriate rating. Element ratings: E = Exceed; M = Meet; NI = Need to Improve; F = Fail

Managerial Competency Elements	Element Rating			
	E	M	NI	F
Leadership	X			
Resource Management		X		
Coalition Building and Communication	X			
Problem Solving and Initiative	X			
Equal Employment Opportunity and Diversity		X		

Results Elements	Element Rating			
	E	M	NI	F
Result 1	X			
Result 2	X			
Result 3	X			
Result 4	X			
Result 5				
Result 6				
Result 7				
Result 8				

H. Other Significant Accomplishments

1. Please describe other significant accomplishments in the space below.

I. Managerial Competency Elements**1. Leadership**

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard

- Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.
- Anticipates and meets the needs of clients/customers to provide better service. Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures to consider customer, stakeholder, and employee perspectives.
- Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.
- Links individual performance requirements to key organizational goals. Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings. Recognizes subordinate performance and teamwork.
- Promotes and adheres to the highest ethical standards of public service.

Narrative

During the appraisal period, Mr. Winston supervised the review of nearly 400 roof control and other plans. He recommended approval or denial of these plans by providing expert guidance to roof control specialists. When dealing with mine operators and their submittals, he explains what is expected relative to safety precautions and ensures that plans are tailored to the individual needs of the mine. This approach increases the effectiveness of the plans and helps ensure safety for mining personnel. He consistently displays a positive, hard working attitude which increases the overall effectiveness of the work group. He plans ahead to prevent mining hazards and to ensure that work is accomplished in a timely manner. When a mistake in work is realized, he immediately employs a positive response and improves the situation immediately. He is very detail oriented and supervisory reviews of his work products indicate a very high level of proficiency.

2. Resource Management☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail**Performance Standard**

- Understands the organization's financial processes. Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls.
- Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.
- Understands the impact of technological developments on the organization. Makes effective use of technology to achieve results. Ensures access to and security of technology systems.
- Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.

Narrative**3. Coalition Building and Communication**☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail**Performance Standard**

- Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner.
- Stresses innovation, creativity, and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward.

Narrative

During the past year, Mr. Winston has displayed an exceptional level of concern for the use of his time to help regular inspectors. He utilizes his expert mining and roof control/ground control knowledge to identify issues, locate problems and develop acceptable and proper remedial actions. Other departments routinely seek his expert advice and he is highly regarded in his field. He challenges mine operators with alternative solutions to mine stability problems in order to achieve successful outcomes to issues they are facing. He is very persuasive and represents MSHA in a very effective and professional manner. The Office of the Solicitor General has utilized his expertise on several legal cases which were all settled in a positive manner in MSHA's favor. Feedback from governmental attorneys has been exceptionally generous in favor of Mr. Winston. He has worked very hard this past year and he deserves to exceed this standard.

4. Problem Solving and Initiative☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail**Performance Standard**

- Effectively represents the Department and the organization internally and/or externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

Narrative

Mr. Winston is an effective engineer with exceptional problem solving skills. He is an excellent communicator and utilizes his data gathering skills to fully understand situations before developing well thought out and calculated solutions. His extensive experience and knowledge is utilized daily to solve problems and develop innovative solutions. During the appraisal period, he worked extensively with one of the largest underground longwall mines in the district, Mingo Logan Coal Company's Mountaineer II Mine, and helped them improve their roof control plan to ensure that tailgate support was adequate. When a failure occurred at the mine, he effectively utilized additional technical specialists from outside the district in order to achieve a higher level of safety for the miners.

A roof fall clean-up plan was developed by the Mountaineer II mine and submitted to MSHA for review. Mr. Winston identified several deficiencies and convinced the operator to improve the plan without hesitation. He is an effective negotiator and solves problems in a proactive manner in order to achieve positive results.

5. Equal Employment Opportunity and Diversity☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail**Performance Standard**

- Promotes and maintains a diverse and inclusive workforce. Actively recruits and hires from diverse applicant pools. Foster collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees.
- Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs. Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization.

Narrative

J. Results Elements

Provides as many critical results-specific elements as are necessary to reflect the manager's/supervisor's specific responsibilities in the implementation of their agency's operating plan. All elements and standards must be linked to the operating plan and should describe the specific major results to be achieved during the period of performance covered by the performance plan. Each performance standard must be written at the Meet level and include measures of performance such as quality, quantity, timeliness, and cost effectiveness. Standards should be clear and not include detailed milestones for descriptions of the process and methods used to achieve the results.

The rating official must appraise the managers/supervisors' performance relative to the critical results-elements performed. In assigning a rating to each critical results element, please rate the manager/supervisor at one of the following four levels and include a written narrative as appropriate:

- Exceeds described level of performance (narrative required)
- Meets described level of performance (narrative not required)
- Need to improve in order to meet the level of performance (narrative required)
- Fails to meet described level of performance (narrative required)

Fifty percent (50%) of the summary rating indicated in Section F1 is based on the manager's/supervisor's performance relative to the critical results elements identified in this section. The remaining 50% is attributed to the manager's/supervisor's demonstrated performance of the managerial competencies identified in Section I.

Result #1

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the mining fatality Injury Incidence Rate in the District's Coal mines in accordance with the performance goals and indicators.

Demonstrates efforts toward the reduction of the ALL Injury Incidence Rate in the District's Coal mines in accordance with the performance goals and indicators.

Monitor mine safety and health program area to ensure that citations/orders are timely terminated, Hazard Condition Complaints are timely processed, and mine plan approvals are evaluated in a timely manner.

Performance Standard

Performance is satisfactory when:

A 5% reduction in FY10 from the average number of fatalities for FY2005 – FY2009.

Performance will be measured by the degree to which within their respective District, mine plan approvals are evaluated in a timely manner, the status of citations issued is monitored for timeliness of abatement, the District is able to terminate citations within the period established by policy for abatement, and Hazard Condition Complaints are timely processed. Progress will be measured by using a variety of reports.

Narrative

District 4 and 12's mine plans are approved in a timely manner despite the high number of accident investigations conducted by the department. The roof control department lead the specialists groups with the highest amount of on-site time out of all the technical groups. Additionally, through the involvement of the supervisor, Mr. Winston has reduced the number of overdue citations. Key indicator reports indicate that the department is effectively operated. During accompanied activities Mr. Winston's attention to detail and willingness to issue violations outside of his roof control duties has helped District 4 achieve a reduction in the fatal injury incident rate.

Approximately 400 mine plans were reviewed this past year, and employees of the roof control department worked on nearly 150 different inspection events. This is an exceptional achievement for a moderately sized group of individuals.

Result #2
☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the fatalities and injuries in the District's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality. Monitors MSHA Coal Key Indicator and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of the District's geography and work load when determining acceptable average performance baselines.

Performance Standard

Performance is satisfactory when:

The incumbent demonstrates the use of the MSHA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. Within their respective District, the incumbent must ensure that the completion rate of all E01 inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all E01 inspections at 100% will be for all coal mines district-wide.

Narrative

MSHA key indicator reports are routinely reviewed and Mr. Winston effectively communicates MSHA's goals and his expectations to his technical group.

He rotates mine plan assignments, accident investigations, and routine inspection work amongst his specialists to ensure a fair and equitable workplace.

His involvement on a day-to-day basis and his dedication has improved MSHA's overall performance and assisted with the attainment of the 100% mine inspection completion rate. He provides expert guidance to his staff and always appears to follow-up on his guidance to assure proper actions have been taken.

His work and dedication has assisted MSHA in the 100% completion of all required inspections during the appraisal period. He urges all specialist work on regular inspections as much as feasible and substantiates his wishes with supervisory reviews which further support this requirement.

Result #3☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Take appropriate action to ensure the District achieves a 2% reduction from the previous year for dust and noise sample results exceeding the allowable limits.

Take appropriate actions to ensure that roof control plans/programs are in compliance with regulations and agency policy.

Take progressive and proactive actions to ensure that roof control plans/programs adequately address mining conditions on a mine specific basis.

Performance Standard

Performance is satisfactory when:

Mine plan addendums are acted upon in a timely manner in accordance with the District's SOPs. Incumbent supports the District's efforts in reducing dust and noise exposures, reviews the quality of roof control plans during 6 month reviews with additional attention to target the most egregious and persistent violators of roof control standards, and ensures that the roof bolting process is not contributing to an increase in respirable dust or excessive noise.

Narrative

Mine plan addendums were acted upon in a timely manner in accordance with the District's SOPs, and with established MSHA policies and procedures. Mr. Winston traveled to numerous mines throughout the district and properly supports the District's efforts in reducing dust and noise exposures. He is known for citing any violation, rather than just working within his realm of expertise.

During the appraisal period, he prompted major upgrades to numerous plans including roof control plans at the Pinnacle Mine, Rock Creek Development, and the Rockhouse No. 8 mines. He also aided other departments on numerous plan reviews including shaft and slope sinking plans, bleeder stability for mine ventilation plans, and mining under bodies of water plans.

Result #4☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Goal 10 – Voice in the Workplace:

Use all available tools in an effort to reduce and/or eliminate the inconsistent enforcement of MSHA regulations, the Mine Act and the MINER Act.

Use all available tools in an effort to reduce and/or eliminate the deficiencies identified in Accountability, District and Peer reviews. Incumbent will review findings noted in such reviews and timely implement corrective actions.

Performance Standard

Performance is met when:

- (1) MSHA handbook, policy and procedures have been followed;
- (2) Required Mine visits are completed;
- (3) Demonstrated efforts have been made to reduce or eliminate repeat audit findings and personnel are trained as necessary;
- (4) Field Activity and Second Level reviews are accurately completed and all deficiencies are addressed;
- (5) There are clear demonstrated efforts made to help assure consistency in citations/orders issued;
- (6) Hazard Condition Complaints are timely processed; and
- (7) Mine plan approvals have been adequately evaluated and appropriate approval/disapproval conducted.

Narrative

Mr Winston is very knowledgeable and consistently applies MSHA handbook requirements, policies and procedures each and every day. During the appraisal period he greatly exceeded the required number of mine visits. Feedback received from a high ranking NIOSH official during the past year indicated that the District 4/12 roof control department was likely the very best in MSHA. This compliment is a direct result of the activities, leadership, and guidance of the supervisor. All field activity reviews and accompanied activities were accurately completed and all deficiencies were addressed. Rather than do a redundant review, the supervisor looked for actual weaknesses and provided guidance for subordinates to help instill a culture of continuous improvement. Citations and orders issued and his involvement in accident investigations were consistent with the highest level of professionalism. Mine plan approvals were properly evaluated and recommendations for approval or denial appeared correct consistently throughout the appraisal period.

Result #5

☐ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard

Narrative

Donald Winston has met 2 elements and exceeded 7 elements, which supports an overall rating of record of Highly Effective.

TAB 6

ATTACHMENT 1: WORKSHEET

General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Leadership

Exceeds

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.	Strategic Planning Support for Leadership Organizational Performance	<ul style="list-style-type: none"> Demonstrates extensive awareness and understanding of the Department's mission and strategic vision. Actively works to develop and/or implement forward-looking strategic plans that maximize the Agency's ability to achieve its objectives. Employs innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Can effectively communicate and manage the implementation of results-oriented strategic plans to achieve the Agency's goals. Demonstrates an understanding of the Agency's performance indicators. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Anticipates and meets the needs of clients/customers to provide better service. <ul style="list-style-type: none"> Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures to consider customer, stakeholder, and employee perspectives. 	Customer Service	<ul style="list-style-type: none"> Provides the highest quality service to Agency customers, stakeholders, and employees by anticipating, addressing, and proactively managing current and future needs. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Consistently anticipates and meets customers' needs and satisfies standards for effective customer service. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 3: Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.	Innovation & Risk	<ul style="list-style-type: none"> Engenders a culture that encourages employees to take calculated risks to improve performance. <input type="checkbox"/> 	<ul style="list-style-type: none"> Accepts employees' reasonable mistakes as part of the development process. <input checked="" type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6

ATTACHMENT 1: WORKSHEET

General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 4: Links individual performance requirements to key organizational goals.</p> <ul style="list-style-type: none"> Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings. Recognizes subordinate performance and teamwork. 	<p>Leadership Support Reward & Recognition Teamwork Individual Performance</p>	<ul style="list-style-type: none"> Shares recognition and routinely rewards colleagues' accomplishments. Repeatedly demonstrates an ability to link individual with Departmental and agency performance requirements. Effectively uses agency and interagency teams to achieve agency outcomes. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Provides opportunities for individual and team development. Appropriately uses available performance, reward and recognition systems. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 5: Promotes and adheres to the highest ethical standards of public service.</p>	Ethics	<ul style="list-style-type: none"> Acts as a model of integrity personally and establishes an organizational culture that sets expectations of the highest ethical standards of public service among subordinate staff. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Adheres personally to the highest ethical standards of public service and encourages ethical behavior among subordinate staff. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

2

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Resource Management

Words

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Understands the organization's financial processes. <ul style="list-style-type: none"> Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls. 	Financial Management	<ul style="list-style-type: none"> Displays an exceptional level of awareness and concern for agency expenditures and financial priorities. Through teamwork and institutional knowledge, leverages agency resources to achieve maximum results. Engages in the identification of cost saving strategies and efficiencies. <input type="checkbox"/>	<ul style="list-style-type: none"> Manages agency resources through the utilization and administration of appropriate budget processes and requirements. Makes decisions based on the agency's financial priorities and expenditures. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.	Hiring/Diversity	<ul style="list-style-type: none"> Manages this with an acute understanding of available hiring flexibilities and utilizes them in order to attract and select qualified applicants. Sets and meets hiring goals to maintain strength and reduce lapsed FTE. <input type="checkbox"/>	<ul style="list-style-type: none"> Applies merit principles to develop, select, and manage a diverse workforce. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 3: Understands the impact of technological developments on the organization. <ul style="list-style-type: none"> Makes effective use of technology to achieve results. Ensures access to and security of technology systems. 	Technology & Modernization	<ul style="list-style-type: none"> Identifies and creatively utilizes current and new technologies to maximize the agency's ability to achieve its priorities. Encourages the use of technology to share information and engage stakeholders. <input type="checkbox"/>	<ul style="list-style-type: none"> Appropriately utilizes and upgrades technologies to meet agency goals. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

3

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 4: Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.	Fair Labor Standards Act	<ul style="list-style-type: none"> In addition, develops and implements strategies that reliably document compliance with FLSA, supplemented by an awareness of staff hours worked to corroborate the effectiveness of these controls. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Makes the Fair Labor Standards Act (FLSA) and DOL policy available to employees and conveys management and conveys expectations for compliance. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

Managerial Competency Element: Coalition Building and Communication

Exceeds

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. <ul style="list-style-type: none"> Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner. 	Communication & Morale	<ul style="list-style-type: none"> Sets an example of accessibility and transparency. Fosters and reinforces a collaborative and engaged environment that inspires and encourages service, motivation, spirit, pride and trust. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Manages an open, communicative environment that serves the agency's mission. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Effectively represents the Department and the organization internally and/or externally. <ul style="list-style-type: none"> Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others. 	Internal & External Relations	<ul style="list-style-type: none"> Serves as an effective, reliable, and persuasive representative of the agency and Department of Labor on virtually all matters internal and external to the agency. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Serves as an effective representative of his/her immediate agency/office. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

4

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Problem Solving and Initiative

Exceeds

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Stresses innovation, creativity, and risk-taking. <ul style="list-style-type: none"> Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward. 		<ul style="list-style-type: none"> Clearly demonstrates initiative and ability to explore and create alternative solutions to problems. Encourages, promotes, and supports innovative strategies among subordinates. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> An effective problem solver. Recognizes innovation. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Managerial Competency Element: Equal Employment Opportunity and Diversity

Meets

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Promotes and maintains a diverse and inclusive workforce. <ul style="list-style-type: none"> Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees. 	Diversity	<ul style="list-style-type: none"> Promotes and manages an inclusive workforce by championing diversity as a value in all aspects of the agency. Practices effective recruitment efforts to increase the pool of quality candidates from underrepresented groups. Promotes diversity at all grade levels. <input type="checkbox"/>	<ul style="list-style-type: none"> Takes diversity into account while ensuring fair and nondiscriminatory recruitment, hiring, promotion and recognition. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TAB 6

ATTACHMENT 1: WORKSHEET

General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 2: Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs.</p> <ul style="list-style-type: none"> Ensures continuing application of, and compliance with applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization. 	Talent Management Diversity	<ul style="list-style-type: none"> Displays the highest commitment to the identification and/or recruitment, development, promotion and retention of diverse and talented individuals to build leadership capacity throughout the agency. Is an active mentor and gives clear and actionable feedback to subordinates. Upholds EEO principles. Actively encourages and participates in succession planning. <input type="checkbox"/>	<ul style="list-style-type: none"> Manages the workforce to meet the needs of the agency by taking into account EEO principles, succession planning, diversity, recruitment, and training. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

6

Performance Management Plan for Managers and Supervisors



A. General Information

1. Employee Name (last, first, middle)
Winston, Donald E.

2. Organization
Labor, MSHA, District 4

3. Title, Series, Grade
TECH SUPERVISOR (ROOF)

4. Appraisal Period (mm/dd/yyyy)
11/29/2010 to 10/19/2011

5. Supervisory Status ☒ Code 2 – Supervisor or Manager

B. Performance Elements and Standards Certification

1. I certify that this performance plan contains accurate performance elements and standards that:

- ☒ All critical results elements link to the Agency's operating plan.
- ☒ Hold the employee accountable for measurable and/or observable results.
- ☒ Link to the employee's position description and reflect the duties and responsibilities assigned to the employee.

2. Rating Official Signature
Richard J. Kline DSM 5/20/11 7/14/11

Date (mm/dd/yyyy)
11/04/2010

3. Rating Official Name (last, first, middle)
Kline, Richard J.

4. Rating Official Title
ADM - TP

5. Prototype elements and/or standards ☒ Yes ☐ No

C. Position Description Certification

1. Position description is correct? ☒ Yes ☐ No (If No, explain below.)

2. Rating Official Signature
Richard J. Kline DSM 5/20/11 7/14/11

Date (mm/dd/yyyy)
11/04/2010

3. Rating Official Name (last, first, middle)
Kline, Richard J.

4. Rating Official Title
ADM - TP

D. Establishment of the Performance Management Plan

1a. I discussed this plan with employee. ☒ Yes ☐ No

1b. Employee written comments are attached. ☐ Yes ☒ No

2. Employee Signature
Donald E. Winston

Date (mm/dd/yyyy)
11/04/10

3. Rating Official Signature
Richard J. Kline DSM 5/20/11 7/14/11

Date (mm/dd/yyyy)
11/04/2010

4. Rating Official Name (last, first, middle)
Kline, Richard J.

5. Rating Official Title
ADM - TP

6. Reviewing Official Signature
Robert G. Hardman

Date (mm/dd/yyyy)
11/29/2010

7. Reviewing Official Name (last, first, middle)
Hardman, Robert G.

8. Reviewing Official Title
DM

E. Mid-Term Progress Review Certification

1. The mid-term progress review has been conducted. ☒ Yes ☐ No (If No, explain below.)

2. Employee Signature
Donald E. Winston

Date (mm/dd/yyyy)
4/21/11

3. Rating Official Signature
David S. Mandeville

Date (mm/dd/yyyy)
4/21/11

4. Rating Official Name (last, first, middle)
Mandeville David Scott

5. Rating Official Title
ADM Tech

F. Performance Appraisal and Rating

1. Indicate performance appraisal and rating below.

<input type="checkbox"/> Exemplary	Exceed standards for all elements
<input checked="" type="checkbox"/> Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements
<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standards for less than 50% of elements
<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements
<input type="checkbox"/> Unsatisfactory	Fail to meet standards on one or more elements

2a. I discussed this appraisal with employee. ☒ Yes ☐ No

2b. Employee written comments are attached. ☐ Yes ☒ No

3. Purpose of Appraisal ☐ Interim Rating ☒ Rating of Record

4. Rating Official Signature
Joseph C. Mackowiak

Date (mm/dd/yyyy)
10/17/2011

5. Rating Official Name (last, first, middle)
Mackowiak, Joseph, C.

6. Rating Official Title
Assistant District Manager - TP

7. Employee Signature
Donald E. Winston

Date (mm/dd/yyyy)
10/17/2011

8. Reviewing Official Signature
Charles E. Carpenter

Date (mm/dd/yyyy)
10-19-11

9. Reviewing Official Name (last, first, middle)
Carpenter, Charles E.

10. Reviewing Official Title
District Manager

G. Performance Summary

1. For each element, select the appropriate rating. Element ratings: E = Exceed; M = Meet; NI = Need to Improve; F = Fail

Managerial Competency Elements	Element Rating			
	E	M	NI	F
Leadership	X			
Resource Management		X		
Coalition Building and Communication	X			
Problem Solving and Initiative	X			
Equal Employment Opportunity and Diversity		X		

Results Elements	Element Rating			
	E	M	NI	F
Result 1	X			
Result 2	X			
Result 3	X			
Result 4	X			
Result 5				
Result 6				
Result 7				
Result 8				

H. Other Significant Accomplishments

1. Please describe other significant accomplishments in the space below.

I. Managerial Competency Elements**1. Leadership**

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard

- Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.
- Anticipates and meets the needs of clients/customers to provide better service. Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures to consider customer, stakeholder, and employee perspectives.
- Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.
- Links individual performance requirements to key organizational goals. Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings. Recognizes subordinate performance and teamwork.
- Promotes and adheres to the highest ethical standards of public service.

Narrative

During the appraisal period, Mr. Winston supervised the review of nearly 400 roof control and other plans. He recommended approval or denial of these plans by providing expert guidance to roof control specialists. When dealing with mine operators and their submittals, he explains what is expected relative to safety precautions and ensures that plans are tailored to the individual needs of the mine. This approach increases the effectiveness of the plans and helps ensure safety for mining personnel. He consistently displays a positive, hard working attitude which increases the overall effectiveness of the work group. He plans ahead to prevent mining hazards and to ensure that work is accomplished in a timely manner. When a mistake in work is realized, he immediately employs a positive response and improves the situation immediately. He is very detail oriented and supervisory reviews of his work products indicate a very high level of proficiency.

2. Resource Management☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail**Performance Standard**

- Understands the organization's financial processes. Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls.
- Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.
- Understands the impact of technological developments on the organization. Makes effective use of technology to achieve results. Ensures access to and security of technology systems.
- Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.

Narrative**3. Coalition Building and Communication**☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail**Performance Standard**

- Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner.
- Stresses innovation, creativity, and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward.

Narrative

During the past year, Mr. Winston has displayed an exceptional level of concern for the use of his time to help regular inspectors. He utilizes his expert mining and roof control/ground control knowledge to identify issues, locate problems and develop acceptable and proper remedial actions. Other departments routinely seek his expert advice and he is highly regarded in his field. He challenges mine operators with alternative solutions to mine stability problems in order to achieve successful outcomes to issues they are facing. He is very persuasive and represents MSHA in a very effective and professional manner. The Office of the Solicitor General has utilized his expertise on several legal cases which were all settled in a positive manner in MSHA's favor. Feedback from governmental attorneys has been exceptionally generous in favor of Mr. Winston. He has worked very hard this past year and he deserves to exceed this standard.

4. Problem Solving and Initiative☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail**Performance Standard**

- Effectively represents the Department and the organization internally and/or externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

Narrative

Mr. Winston is an effective engineer with exceptional problem solving skills. He is an excellent communicator and utilizes his data gathering skills to fully understand situations before developing well thought out and calculated solutions. His extensive experience and knowledge is utilized daily to solve problems and develop innovative solutions. During the appraisal period, he worked extensively with one of the largest underground longwall mines in the district, Mingo Logan Coal Company's Mountaineer II Mine, and helped them improve their roof control plan to ensure that tailgate support was adequate. When a failure occurred at the mine, he effectively utilized additional technical specialists from outside the district in order to achieve a higher level of safety for the miners.

A roof fall clean-up plan was developed by the Mountaineer II mine and submitted to MSHA for review. Mr. Winston identified several deficiencies and convinced the operator to improve the plan without hesitation. He is an effective negotiator and solves problems in a proactive manner in order to achieve positive results.

5. Equal Employment Opportunity and Diversity☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail**Performance Standard**

- Promotes and maintains a diverse and inclusive workforce. Actively recruits and hires from diverse applicant pools. Foster collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees.
- Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs. Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization.

Narrative

J. Results Elements

Provides as many critical results-specific elements as are necessary to reflect the manager's/supervisor's specific responsibilities in the implementation of their agency's operating plan. All elements and standards must be linked to the operating plan and should describe the specific major results to be achieved during the period of performance covered by the performance plan. Each performance standard must be written at the Meet level and include measures of performance such as quality, quantity, timeliness, and cost effectiveness. Standards should be clear and not include detailed milestones for descriptions of the process and methods used to achieve the results.

The rating official must appraise the managers'/supervisors' performance relative to the critical results-elements performed. In assigning a rating to each critical results element, please rate the manager/supervisor at one of the following four levels and include a written narrative as appropriate:

- Exceeds described level of performance (narrative required)
- Meets described level of performance (narrative not required)
- Need to Improve in order to meet the level of performance (narrative required)
- Fails to meet described level of performance (narrative required)

Fifty percent (50%) of the summary rating indicated in Section F1 is based on the manager's/supervisor's performance relative to the critical results elements identified in this section. The remaining 50% is attributed to the manager's/supervisor's demonstrated performance of the managerial competencies identified in Section I.

Result #1

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the mining fatality Injury Incidence Rate in the District's Coal mines in accordance with the performance goals and indicators.

Demonstrates efforts toward the reduction of the ALL Injury Incidence Rate in the District's Coal mines in accordance with the performance goals and indicators.

Monitor mine safety and health program area to ensure that citations/orders are timely terminated, Hazard Condition Complaints are timely processed, and mine plan approvals are evaluated in a timely manner.

Performance Standard

Performance is satisfactory when:

A 5% reduction in FY10 from the average number of fatalities for FY2005 – FY2009.

Performance will be measured by the degree to which within their respective District, mine plan approvals are evaluated in a timely manner, the status of citations issued is monitored for timeliness of abatement, the District is able to terminate citations within the period established by policy for abatement, and Hazard Condition Complaints are timely processed. Progress will be measured by using a variety of reports.

Narrative

District 4 and 12's mine plans are approved in a timely manner despite the high number of accident investigations conducted by the department. The roof control department lead the specialists groups with the highest amount of on-site time out of all the technical groups. Additionally, through the involvement of the supervisor, Mr. Winston has reduced the number of overdue citations. Key indicator reports indicate that the department is effectively operated. During accompanied activities Mr. Winston's attention to detail and willingness to issue violations outside of his roof control duties has helped District 4 achieve a reduction in the fatal injury incident rate.

Approximately 400 mine plans were reviewed this past year, and employees of the roof control department worked on nearly 150 different inspection events. This is an exceptional achievement for a moderately sized group of individuals.

Result #2

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the fatalities and injuries in the District's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality. Monitors MSHA Coal Key Indicator and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of the District's geography and work load when determining acceptable average performance baselines.

Performance Standard

Performance is satisfactory when:

The incumbent demonstrates the use of the MSHA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. Within their respective District, the incumbent must ensure that the completion rate of all EOI inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all EOI inspections at 100% will be for all coal mines district-wide.

Narrative

MSHA key indicator reports are routinely reviewed and Mr. Winston effectively communicates MSHA's goals and his expectations to his technical group.

He rotates mine plan assignments, accident investigations, and routine inspection work amongst his specialists to ensure a fair and equitable workplace.

His involvement on a day-to-day basis and his dedication has improved MSHA's overall performance and assisted with the attainment of the 100% mine inspection completion rate. He provides expert guidance to his staff and always appears to follow-up on his guidance to assure proper actions have been taken.

His work and dedication has assisted MSHA in the 100% completion of all required inspections during the appraisal period. He urges all specialist work on regular inspections as much as feasible and substantiates his wishes with supervisory reviews which further support this requirement.

Result #3

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Take appropriate action to ensure the District achieves a 2% reduction from the previous year for dust and noise sample results exceeding the allowable limits.

Take appropriate actions to ensure that roof control plans/programs are in compliance with regulations and agency policy.

Take progressive and proactive actions to ensure that roof control plans/programs adequately address mining conditions on a mine specific basis.

Performance Standard

Performance is satisfactory when:

Mine plan addendums are acted upon in a timely manner in accordance with the District's SOPs. Incumbent supports the District's efforts in reducing dust and noise exposures, reviews the quality of roof control plans during 6 month reviews with additional attention to target the most egregious and persistent violators of roof control standards, and ensures that the roof bolting process is not contributing to an increase in respirable dust or excessive noise.

Narrative

Mine plan addendums were acted upon in a timely manner in accordance with the District's SOPs, and with established MSHA policies and procedures. Mr. Winston traveled to numerous mines throughout the district and properly supports the District's efforts in reducing dust and noise exposures. He is known for citing any violation, rather than just working within his realm of expertise.

During the appraisal period, he prompted major upgrades to numerous plans including roof control plans at the Pinnacle Mine, Rock Creek Development, and the Rockhouse No. 8 mines. He also aided other departments on numerous plan reviews including shaft and slope sinking plans, bleeder stability for mine ventilation plans, and mining under bodies of water plans.

Result #4

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Goal 10 – Voice in the Workplace:

Use all available tools in an effort to reduce and/or eliminate the inconsistent enforcement of MSHA regulations, the Mine Act and the MINER Act.

Use all available tools in an effort to reduce and/or eliminate the deficiencies identified in Accountability, District and Peer reviews. Incumbent will review findings noted in such reviews and timely implement corrective actions.

Performance Standard

Performance is met when:

- (1) MSHA handbook, policy and procedures have been followed;
- (2) Required Mine visits are completed;
- (3) Demonstrated efforts have been made to reduce or eliminate repeat audit findings and personnel are trained as necessary;
- (4) Field Activity and Second Level reviews are accurately completed and all deficiencies are addressed;
- (5) There are clear demonstrated efforts made to help assure consistency in citations/orders issued;
- (6) Hazard Condition Complaints are timely processed; and
- (7) Mine plan approvals have been adequately evaluated and appropriate approval/disapproval conducted.

Narrative

Mr Winston is very knowledgeable and consistently applies MSHA handbook requirements, policies and procedures each and every day. During the appraisal period he greatly exceeded the required number of mine visits. Feedback received from a high ranking NIOSH official during the past year indicated that the District 4/12 roof control department was likely the very best in MSHA. This compliment is a direct result of the activities, leadership, and guidance of the supervisor. All field activity reviews and accompanied activities were accurately completed and all deficiencies were addressed. Rather than do a redundant review, the supervisor looked for actual weaknesses and provided guidance for subordinates to help instill a culture of continuous improvement. Citations and orders issued and his involvement in accident investigations were consistent with the highest level of professionalism. Mine plan approvals were properly evaluated and recommendations for approval or denial appeared correct consistently throughout the appraisal period.

Result #5

☐ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard

Narrative

Donald Winston has met 2 elements and exceeded 7 elements, which supports an overall rating of record of Highly Effective.

TAB 6

ATTACHMENT 1: WORKSHEET

General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Leadership

Exceeds

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.	Strategic Planning Support for Leadership Organizational Performance	<ul style="list-style-type: none"> Demonstrates extensive awareness and understanding of the Department's mission and strategic vision. Actively works to develop and/or implement forward-looking strategic plans that maximize the Agency's ability to achieve its objectives. Employs innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Can effectively communicate and manage the implementation of results-oriented strategic plans to achieve the Agency's goals. Demonstrates an understanding of the Agency's performance indicators. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Anticipates and meets the needs of clients/customers to provide better service. <ul style="list-style-type: none"> Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures to consider customer, stakeholder, and employee perspectives. 	Customer Service	<ul style="list-style-type: none"> Provides the highest quality service to Agency customers, stakeholders, and employees by anticipating, addressing, and proactively managing current and future needs. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Consistently anticipates and meets customers' needs and satisfies standards for effective customer service. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 3: Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.	Innovation & Risk	<ul style="list-style-type: none"> Engenders a culture that encourages employees to take calculated risks to improve performance. <input type="checkbox"/> 	<ul style="list-style-type: none"> Accepts employees' reasonable mistakes as part of the development process. <input checked="" type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 4: Links individual performance requirements to key organizational goals.</p> <ul style="list-style-type: none"> Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings. Recognizes subordinate performance and teamwork. 	<p>Leadership Support Reward & Recognition Teamwork Individual Performance</p>	<ul style="list-style-type: none"> Shares recognition and routinely rewards colleagues' accomplishments. Repeatedly demonstrates an ability to link individual with Departmental and agency performance requirements. Effectively uses agency and interagency teams to achieve agency outcomes. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Provides opportunities for individual and team development. Appropriately uses available performance, reward and recognition systems. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 5: Promotes and adheres to the highest ethical standards of public service.</p>	Ethics	<ul style="list-style-type: none"> Acts as a model of integrity personally and establishes an organizational culture that sets expectations of the highest ethical standards of public service among subordinate staff. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Adheres personally to the highest ethical standards of public service and encourages ethical behavior among subordinate staff. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Resource Management

Meets

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 1: Understands the organization's financial processes.</p> <ul style="list-style-type: none"> Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls. 	Financial Management	<ul style="list-style-type: none"> Displays an exceptional level of awareness and concern for agency expenditures and financial priorities. Through teamwork and institutional knowledge, leverages agency resources to achieve maximum results. Engages in the identification of cost saving strategies and efficiencies. <input type="checkbox"/>	<ul style="list-style-type: none"> Manages agency resources through the utilization and administration of appropriate budget processes and requirements. Makes decisions based on the agency's financial priorities and expenditures. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 2: Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.</p>	Hiring/Diversity	<ul style="list-style-type: none"> Manages this with an acute understanding of available hiring flexibilities and utilizes them in order to attract and select qualified applicants. Sets and meets hiring goals to maintain strength and reduce lapsed FTE. <input type="checkbox"/>	<ul style="list-style-type: none"> Applies merit principles to develop, select, and manage a diverse workforce. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 3: Understands the impact of technological developments on the organization.</p> <ul style="list-style-type: none"> Makes effective use of technology to achieve results. Ensures access to and security of technology systems. 	Technology & Modernization	<ul style="list-style-type: none"> Identifies and creatively utilizes current and new technologies to maximize the agency's ability to achieve its priorities. Encourages the use of information to share information and engage stakeholders. <input type="checkbox"/>	<ul style="list-style-type: none"> Appropriately utilizes and upgrades technologies to meet agency goals. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 4: Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.	Fair Labor Standards Act	<ul style="list-style-type: none"> In addition, develops and implements strategies that reliably document compliance with FLSA, supplemented by an awareness of staff hours worked to corroborate the effectiveness of these controls. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Makes the Fair Labor Standards Act (FLSA) and DOL policy available to employees and conveys management and conveys expectations for compliance. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

Managerial Competency Element: Coalition Building and Communication

Exceeds

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. <ul style="list-style-type: none"> Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner. 	Communication & Morale	<ul style="list-style-type: none"> Sets an example of accessibility and transparency. Fosters and reinforces a collaborative and engaged environment that inspires and encourages service, motivation, spirit, pride and trust. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Manages an open, communicative environment that serves the agency's mission. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Effectively represents the Department and the organization internally and/or externally. <ul style="list-style-type: none"> Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others. 	Internal & External Relations	<ul style="list-style-type: none"> Serves as an effective, reliable, and persuasive representative of the agency and Department of Labor on virtually all matters internal and external to the agency. <input checked="" type="checkbox"/> <p><i>Definitely!</i></p>	<ul style="list-style-type: none"> Serves as an effective representative of his/her immediate agency/office. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Problem Solving and Initiative

Exceeds

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	R
<input type="checkbox"/>	Result 1: Stresses innovation, creativity, and risk-taking. <ul style="list-style-type: none"> Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward. 		<ul style="list-style-type: none"> Clearly demonstrates initiative and ability to explore and create alternative solutions to problems. Encourages, promotes, and supports innovative strategies among subordinates. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> An effective problem solver. Recognizes innovation. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Managerial Competency Element: Equal Employment Opportunity and Diversity

Meets

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	R
<input type="checkbox"/>	Result 1: Promotes and maintains a diverse and inclusive workforce. <ul style="list-style-type: none"> Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees. 	Diversity	<ul style="list-style-type: none"> Promotes and manages an inclusive workforce by championing diversity as a value in all aspects of the agency. Practices effective recruitment efforts to increase the pool of quality candidates from underrepresented groups. Promotes diversity at all grade levels. <input type="checkbox"/>	<ul style="list-style-type: none"> Takes diversity into account while ensuring fair and nondiscriminatory recruitment, hiring, promotion and recognition. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

Case Number	77599		Case Title	ALLEGED MSHA EMPLOYEE MISCONDUCT RELATED TO THE UPPER BIG BRANCH MINE FILE	
Lead Agent	[REDACTED]		Region / Office	17 - COMPLAINT ANALYSIS OFFICE	Case Status Open

Case Details

Complaint

Add Attachments

Title:

ALLEGED MSHA EMPLOYEE MISCONDUCT RELATED TO THE UPPER BIG BRANCH MINE FILE

Synopsis:

THE OIG RECEIVED A REFERRAL FROM MSHA DEPUTY ASSISTANT SECRETARY FOR OPERATIONS PATRICIA W. SILVEY. SPECIFICALLY, MSHA EMPLOYEE MIKE DICKERSON REPORTED BEING TOLD THAT MSHA EMPLOYEE JOE MACKOWIAK HAD REMOVED THE UNIFORM MINE FILE BOOKS FOR UPPER BIG BRANCH MINE AND RETRIEVED THE FIELD OFFICE MINE FILE STAMPS. IT WAS REPORTED THAT OUTDATED PLANS WERE PURGED AND THAT THE MORE RECENT APPROVED PLANS THAT HAD BACKLOGGED IN THE VENTILATION DEPARTMENT WERE STAMPED WITH BOTH DISTRICT STAMPS AND FIELD OFFICE STAMPS. THE STAMPED ENTRY DATES WERE ALLEGEDLY BACKDATED TO MAKE IT APPEAR THE PLANS WERE ALREADY IN THE FILES PRIOR TO THE EXPLOSION AND THE SECRETARY'S INITIALS WERE FORGED.

NOTE: COUNSEL TO THE IG [REDACTED] REPORTED HE FORWARDED THIS INFORMATION TO OLRFI OFFICIAL [REDACTED] (OIG UBB INVESTIGATIVE TEAM).

Received by OI:

5/11/2012

Received by CAO:

5/11/2012

Open Date:

5/15/2012

Date Approved for Opening:

5/15/2012

Date Due:

8/9/2012

Closed Date:

Status:

OPEN

Agency:

Office of the Assistant Secretary for Administration and Management

Program:

Administrative Management

Focus:

Abuse of Authority

Method:

Written Mail

Source:

DOL Program Agency

Emergency:

Investigative Case Type:

Priority:

Case Agent:

[REDACTED]

Initiating Office:

17 - COMPLAINT ANALYSIS OFFICE

Location of Offense:
(Enter Zip Code, Cty & State will auto-populate)

Zip Code

City

State

Confidential Case(Requires AIG or Deputy Approval)

IG Priority Case

Grand Jury Case

Investigative Plan

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



JUL 23 2012

MEMORANDUM FOR DEBORAH GREENFIELD

Deputy Solicitor

FROM:

Patricia W. Silvey
PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations
Mine Safety and Health

SUBJECT:

Agency Actions on Upper Big Branch Mine Explosion

MSHA has carefully reviewed the Agency's Internal Review (IR) Report on the Agency's actions leading up to the Upper Big Branch mine explosion. The IR report contains information dealing with enforcement actions that MSHA could have done better, and includes facts, deficiencies and 86 recommendations. MSHA has put together an extensive plan to address each of the recommendations. The Agency has already taken a number of actions to respond to the IR recommendations, including: (1) training of all enforcement personnel in District 4 (which has now been split into two districts) and the new District 12; (2) issued directives to MSHA staff to reiterate agency policy regarding certain enforcement requirements; and (3) established a process to review all Agency enforcement policies and procedures. These, and other changes that we are implementing, should minimize the possibility that the types of deficiencies identified in the IR report will recur.

With respect to deficiencies referenced in the IR report, the Agency has identified 28 personnel (from Administrator of Coal Mine Safety and Health to coal mine inspector), to determine if some type of potential personnel action is warranted. In addition, the Agency has carefully considered the mitigating circumstances involved with each employee. Some personnel have left the agency, through retirement or resignation, and for these personnel, MSHA did not explore further action, since they no longer work for MSHA. With respect to the 28 personnel mentioned above, we intend to have a further conversation (in addition to the training already provided) to reiterate the importance of following Agency policy and procedures.

At this point, we are considering proposed personnel action to address deficiencies referenced in the IR report for five personnel; a separate document details the facts and mitigating circumstances related to these potential cases. We would like to consult with you relative the specific nature of any potential proposed action to assure that any proposed decision is appropriate and supported by the facts.

Attachments

You can now file your MSHA forms online at www.MSHA.gov. It's easy, it's fast, and it saves you money!

Confidential Agency Document
DLB-000054

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



JUL 23 2012

MEMORANDUM FOR EDWARD C. HUGLER

Deputy Assistant Secretary for Operations

FROM:

Patricia W. Silvey
PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations
Mine Safety and Health

SUBJECT:

Agency Actions on Upper Big Branch Mine Explosion

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At this point, we are considering proposed personnel action to address deficiencies referenced in the IR report for five personnel; a separate document details the facts and mitigating circumstances related to these potential cases. We would like to consult with you relative the specific nature of any potential proposed action to assure that any proposed decision is appropriate and supported by the facts.

Attachments

You can now file your MSHA forms online at www.MSHA.gov. It's easy, it's fast, and it saves you money!

Confidential Agency Document
DLB-000055

Standard Form 50

Rev. 7/91

U.S. Office of Personnel Management

FPMR Supp. 294-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) MOORE SR, THOMAS V	2. Social Security Number	3. Date of Birth	4. Effective Date
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FIRST ACTION

SECOND ACTION

5-A. Code 702	5-B. Nature of Action PROMOTION	6-A. Code	6-B. Nature of Action
5-C. Code N3M	5-D. Legal Authority REG 335 102 COMP	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number COAL MINE SAFETY AND HEALTH INSPECTOR CA122403 SL0069	15. TO: Position Title and Number SUPERVISORY COAL MINE SAFETY AND HEALTH 00012619 PP0364
--	---

8. Pay Plan PA	9. Occ. Code 12	10. Grade/Level 09	11. Step/Rate	12. Total Salary	13. Pay Basis
16. Pay Plan GS	17. Occ. Code 1822	18. Grade/Level 13	19. Step/Rate 05	20. Total Salary/Award	21. Pay Basis PA
13A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay .00	20A. Basic Pay	20B. Locality Adj.
		20C. Adj. Basic Pay	20D. Other Pay		

14. Name and Location of Position's Organization
MINE SAFETY AND HEALTH ADMINISTRATION
OFFICE OF THE ASSISTANT SECRETARY
OFC OF THE ADMINISTRATOR FOR C
COAL, DIST. 4 INSPECTION DIVISION

22. Name and Location of Position's Organization
MINE SAFETY AND HEALTH ADMINISTRATION
OFFICE OF THE ASSISTANT SECRETARY
OFC OF THE ADMINISTRATOR FOR C
COAL, DIST. 4 INSPECTION DIVISION

DL M10106090408000000 PP 17 2007

EMPLOYEE DATA

23. Veterans Preference 2 1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point/Uncompressible 5 - 10-Point/Other 6 - 10-Point/Uncompressible/30%	24. Tenure 1 B - None 1 - Permanent 2 - Conditional 3 - Indefinite	25. Agency Use	26. Veterans Preference for RIF X YES NO
27. FEGLI MI BASIC-2X ADDITIONAL-1X FAMILY	28. Annuitant Indicator 9 NOT APPLICABLE	29. Pay Rate Determinant 0	
30. Retirement Plan K FERS AND FICA	31. Service Comp. Date (Leave) 04/11/90	32. Work Schedule F FULL TIME	33. Part-Time Hours Per Biweekly Pay Period
34. Position Occupied 1 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved	35. FLSA Category E E - Exempt N - Nonexempt	36. Appropriation Code	37. Bargaining Unit Status 8888
38. Duty Station Code 54-1855-019	39. Duty Station (City - County - State or Overseas Location) MOUNT CARBON FAYETTE WV		

40. Agency Data	41.	42.	43.	44.
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45. Remarks

Union dues terminated.
This position is outside the bargaining unit.
Subject to completion of one year probationary period for assignment to supervisory (or managerial) position beginning 8/19/07.
Selected from Merit Staffing Certificate PH-07-121 dated 6/18/07.
Position is at the full performance level.

46. Employing Department or Agency DEPARTMENT OF LABOR	50. Signature/Authentication and Title of Approving Official SANDRA L. WEAVER HUMAN RESOURCES OFFICER
47. Agency Code DL MI	48. Personnel Office ID 3392
49. Approval Date 08/11/07	

5-Part 50-316

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6238

Confidential Agency Document
DLB-000056

Standard Form 58

Rev. 7/91

U.S. Office of Personnel Management
FPMR Supp. 296-13, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) MOORE SR, THOMAS V	2. Social Security Number	3. Date of Birth	4. Effective Date
---	---------------------------	------------------	-------------------

FIRST ACTION

SECOND ACTION

5-A. Code 721	5-B. Nature of Action REASSIGNMENT	6-A. Code	6-B. Nature of Action
5-C. Code N8M	5-D. Legal Authority REG 335 102 EXCEPT	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number
SUPERVISORY COAL MINE SAFETY AND HEALT
00012619 PP0364

15. TO: Position Title and Number
SUPERVISORY COAL MINE SAFETY AND HEALT
00020663 PP0364

8. Pay Plan	9. Occ. Code	10. Grade/Level	11. Step/Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade/Level	19. Step/Rate	20. Total Salary/Award	21. Pay Basis
						GS	1822	13	06		PA
12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay				
	.00		.00				.00				

14. Name and Location of Position's Organization
MINE SAFETY AND HEALTH ADMINISTRATION
OFFICE OF THE ASSISTANT SECRET
OFC OF THE ADMINISTRATOR FOR C
COAL, DIST. 4 INSPECTION DIVISIO

22. Name and Location of Position's Organization
MINE SAFETY AND HEALTH ADMINISTRATION
OFFICE OF THE ASSISTANT SECRET
OFC OF THE ADMINISTRATOR FOR C
COAL, DIST. 4 INSPECTION DIVISIO

DL MI0106090402000000 PP 02 2010

EMPLOYEE DATA

23. Veterans Preference 2 1 - New 2 - 5-Polst 3 - 10-Polst/Disability 4 - 10-Polst/Comparable 5 - 10-Polst/Other 6 - 10-Polst/Comparable/30%	24. Tenure 1 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite	25. Agency Use	26. Veterans Preference for RIF X YES NO
27. FEGLI MI BASIC-2X ADDITIONAL-1X FAMILY	28. Annuitant Indicator 9 NOT APPLICABLE	29. Pay Rate Determinant 0	
30. Retirement Plan K FERS AND FICA	31. Service Comp. Date (Leave) 04/11/90	32. Work Schedule F FULL TIME	33. Part-Time Hours Per Biweekly Pay Period
34. Position Occupied 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved	35. FLSA Category E E - Exempt N - Nonexempt	36. Appropriation Code	37. Bargaining Unit Status 8888
38. Duty Station Code 54-1870-019	39. Duty Station (City - County - State or Overseas Location) MOUNT HOPE FAYETTE WV		

40. Agency Data	41.	42.	43.	44.
-----------------	-----	-----	-----	-----

45. Remarks

46. Employing Department or Agency

DEPARTMENT OF LABOR

50. Signature/Authentication and Title of Approving Official

E/S BY: CRYSTAL L. GUY

47. Agency Code

DL MI

48. Personnel Office ID

3392

49. Approval Date

01/09/10

HUMAN RESOURCES OFFICER

5-Part 50-316

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 75-40-01-333-6238Confidential Agency Document
DLB-000057



PERFORMANCE MANAGEMENT PLAN FOR MANAGERS AND SUPERVISORS

General Information

Name: THOMAS V. MOORE
 Organization: MSHA-COAL
 Appraisal Period: 10/24/2008 To 10/15/2009

Establishment of the Performance Management Plan

We have discussed this plan; written comments have have not ☒ been attached.

Manager/Supervisor: Thomas V. Moore Date: 10-22-08

Rating Official: James L. Selge Jr Date: 10/22/08

Reviewing Official: Robert V. Handman Date: 10/24/2008

Mid-Term Progress Review Certification

The mid-term progress review has been conducted.

Manager/Supervisor: Thomas V. Moore Date: 3-17-09

Rating Official: James L. Selge Jr Date: 3.17.09

Performance Appraisal and Rating

	Exemplary	Exceed standards for all elements
X	Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements
	Effective	Meet standards for all elements and may exceed standards for less than 50% of elements
	Minimally Satisfactory	Need to improve performance for one or more elements
	Unsatisfactory	Fail to meet standards on one or more elements

We have discussed this appraisal; written comments have have not ☒ been attached.

Manager/Supervisor: Thomas V. Moore Date: 10-15-2009

Rating Official: James L. Selge Jr Date: 10-15-09

Reviewing Official: Robert V. Handman Date: 10/15/2009

Performance Summary

PURPOSE OF APPRAISAL: _____ Interim Rating ☒ Rating of Record

For each element, use an "X" to indicate the appropriate rating.

Element ratings: E = Exceed, M = Meet, NI = Need to Improve, F = Fail

ELEMENT	ELEMENT RATING			
	E	M	NI	F
Managerial Competencies:				
A. Leadership	✓			
B. Resource Management	✓			
C. Coalition Building and Communication	✓			
D. Problem Solving and Initiative		✓		
Achieving Organizational Results: Identify linkage with appropriate DOL Performance Outcome Goals: For each results-specific objective, reference the related outcome goal, e.g., 1.1, 2.1, 3.3, below: (MSHA's Organizational Results Goals 1 – 3 are based on the DOL Performance Goal 3B – Reduce Work-Related fatalities, injuries, and illnesses in mines.) <u>Result 1:</u> MSHA Goal – Fatal Injury Incidence Rate MSHA Goal – All Injury Incidence Rate MSHA Goal - Incumbent will monitor District Mine Safety and Health program area to ensure that citations / orders are timely terminated.		✓		
Result 2 Reduce fatalities and injuries in the nation's mines by using the MSHA Key Indicators to direct resources and monitor enforcement performance and quality.	✓			
Result 3 MSHA Goal 2.2 & 2.3 – Reduce Miners' Exposure to Dust and Noise (DOL Outcome goal 3.1B – Reduce Miners Exposure to Health Hazards)		✓		
Result 4 MSHA's Internal Safety and Health Goals (DOL Goals for President's SHARE initiative for government Wide Safety, Health and Return to work Employment)	✓			

**Other
Significant
Accomplishments**

Managerial Competency Elements

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

A. LEADERSHIP**Performance standards for Meet:**

Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, consistent with key Agency policies and priorities and economic, political and social trends affecting the organization.

Anticipates and meets the needs of clients/customers. Sets standards for customers' needs and satisfaction, and meets them.

Uses agency performance plans and other management systems to link individual performance to outcomes and to overall organizational performance objectives.

The supervisor vigorously monitors the status of all inspection with daily two-way conversations with the inspectors, office personnel and others who are involved in the inspection process. As a result of constant communication it is easy to make any adjustments or reassignments when deemed necessary. The supervisor makes them with great fortitude with the goals and mission of the agency as the primary objective. The supervisor has an open door policy that promotes and provides an atmosphere that encourages input thus allowing problem solving to remain at the lowest level possible.

The supervisor has developed plans for both short-term and long-term goals that adhere to key agency policies as well as economic, social and political trends.

During the year, many hours of discussions with the mine operators, compliance specialists, and others have allowed for unforeseen problems to be addressed before they become a major problem.

By continuing to stay in touch with the miners, mine operators, other enforcement agencies, and other elements of the mining community, the needs of the community are anticipated and approached with a proactive attitude.

Input from the various groups and compliance specialists allows the supervisor to address and handle controversy before it escalates.

By staying actively involved with the mining community, many issues have been avoided before they become a serious problem for the miners, mining community and the agency.

See Attached.

Managerial Competency Elements
A. Leadership (Continued)

The supervisor makes regular visits AA and FAR to assigned mines in an effort to maintain good and open communications with miners, mine operators, and inspection personnel. This professional approach has frequently prevented issues from by-passing the field office and going to the district level.

The supervisor has fostered a trust and respect from miners, mine operators, and inspectors that he has frequently resulted in requests by the mine operator to assist in resolving mine problems.

The supervisor has displayed a high level of effort and qualities by implementing the overall organization performance objectives and management systems to link and enhance the ability of individuals to identify problems and give them the resources necessary to address most problems.

**Managerial
Competency
Elements**
B. RESOURCE MANAGEMENT

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

Performance standards for Meet:

Ensures that staff are appropriately selected, utilized, appraised, and developed, as well as treated fairly and equitably. Takes steps to address issues of discrimination of which he or she is aware. Actively develops the talents of the staff, and develops qualified candidates for positions in the organization.

Uses informal training, continuous managerial assessments, frequent and constructive feedback and appropriate recognition to promote staff morale and to ensure quality work products and customer service.

Proactively works to maintain a safe workplace and to prevent accidents, injuries and illness. Resolves conflicts in a positive and constructive manner.

Assures that the organizational budget is administered in a manner that supports the accomplishment of program goals and reflects sound financial management.

The supervisor is an advocate of treating everyone fairly and equitably. He promotes and encourages this policy by example. Employees have been trained as to what steps are to be taken concerning issues of discrimination.

The supervisor uses informal training such as meetings within the work group to promote team effort and sharing knowledge and experiences of individual efforts to reach set goals and policies of all assigned mines.

By having an open working relationship, training needs are met in an informal manner. This allows for a better working relationship between the employee and the supervisor. This promotes morale and ensures a good working relationship is developed in the office and this serves the mining community appropriately.

The leadership abilities foster a team atmosphere that broadens collectively and individually the workgroup's knowledge and enable the workgroup to meet our mission and goals.

The supervisor encourages and promotes safety at the office as well as while performing duties at the mines and facilities. This is achieved by conducting safety meetings and raising employee awareness of their immediate environment and surroundings.

The supervisor has maintained control over the resources in his assigned area of responsibility and often during this rating period was required to adjust priorities and manpower to meet deadlines and to gather mine specific information for requests from the district.

6/2004

**Managerial
Competency
Elements**
C. COALITION BUILDING AND COMMUNICATION

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

Performance standards for Meet:

Promotes an open, communicative environment where staff can readily access resources and move forward to accomplish common goals and tasks. Handles workplace disputes promptly and effectively.

Makes clear to staff what is expected of them both individually and as a team/group; clarifies the extent of their authority.

Effectively represents the Department and the program agency internally and externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

The supervisor promotes an open, communicative environment where employees can readily access information and resources to move forward and accomplish goals and tasks. Good working relationships and communications with fair and open-minded values minimize disputes promptly and effectively.

The supervisor encourages cooperation in decision making from the workgroup while maintaining a high degree of awareness on all issues that arise.

The supervisor makes clear to the mine operators what is required and expected from them with prompt notification of any incident that occurs at the mine. This process has enabled the inspector to conduct his inspection/investigation in a timely manner and reduced exposure of miners to unsafe working conditions.

**Managerial
Competency
Elements****D. PROBLEM SOLVING AND INITIATIVE**

EXCEED	<input type="checkbox"/>
MEET	<input checked="" type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

Performance standards for Meet:

Stressed innovation and risk-taking. Analyzes problem and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.

Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results.

The supervisor has been innovative and has not hesitated in taking risks to move Agency programs forward at any given opportunity. He accepts mistakes with the attitude they are part of the developmental process.

**Organizational
Performance
Elements**

Provide 4 results-specific objectives that demonstrate linkage with DOL's Strategic Plan outcome goals. This section should include the major results to be achieved during the period of time covered by the performance agreement. Results need to be clearly identified and measurable. They should be phrased in a manner that will leave no doubt about whether the results were achieved, however, the results should not include detailed milestones or descriptions of the process and methods used to get the results.

PERFORMANCE AGREEMENT RESULT # 1		Element 1
EXCEED		Reduce the Mining Fatality Injury Incidence Rate in the Nation's Mines in accordance with the GPRA Goals outlined in the DOL Strategic Plan.
MEET	✓	Incumbent will monitor District Mine Safety and Health program area to ensure that citations/orders are timely terminated.
NEED TO IMPROVE		(DOL Outcome Goal 3 Safe and Secure Workplace – 3B – Reduce work-related fatalities, injuries and illnesses in mines)
FAIL		Element 2
		Reduce the ALL Injury Incidence Rate in the Nation's Mines in accordance with the GPRA Goals outlined in the DOL Strategic Plan.
		Incumbent will monitor District Mine Safety and Health program area to ensure that citations/orders are timely terminated.
		(DOL Outcome Goal 3 Safe and Secure Workplace – 3B – Reduce work-related fatalities, injuries and illnesses in mines)
		Performance is satisfactory when no more than 3% of the citations are past due. Performance will be measured by the degree to which Coal is able to terminate citations within the period established by policy for abatement. Progress will be measured through a report furnished by PEIR.

The supervisor has been professional, firm and fair in all contacts make with mine operators, miners, state inspectors and other compliance specialists. He has always promoted inspection with a purpose and root cause analysis to be effective in meeting the Agency's mission and goals.

The supervisor provided to the inspectors, accident reports, fatal grams, information related to serious injuries, near misses, and fatalities to be shared with the miners and operators

The supervisor monitors the due date of citations and holds the inspectors responsible for the paperwork to be completed in a timely manner.

**Organizational
Performance
Elements**

PERFORMANCE AGREEMENT RESULT # 2		Reduce fatalities and injuries in the nation's mines by using the MSHA Key Indicators to direct resources to monitor and improve enforcement performance and quality.
EXCEED	✓	<p>Incumbent monitors MSHA Key Indicator reports for inspector performance results outside the acceptable norms and averages for each District's unique and distinct performance levels. Incumbent understands the effects of each district's geography and work load when determining acceptable average performance baselines.</p> <p>Performance is satisfactory when the Incumbent demonstrates the use of the MSHA Key Indicators in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. The incumbent must ensure that the completion rate of all EO1 inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all EO1 inspections at 100% will be for coal mines located throughout the district office.</p> <p><i>(DOL Strategic Goal 3 Safe and Secure Workplace – DOL Performance goal 3B – Reduce work-related fatalities, injuries and illnesses in mines)</i></p>
MEET		
NEED TO IMPROVE		
FAIL		

The supervisor insists and instills in his inspector's to be firm and fair in enforcement of the Agency's policies and regulations. He has encouraged inspectors to use the appropriate level of enforcement when issuing citations and orders.

He reviews citations and orders to ensure consistency among the inspectors.

The supervisor encourages inspecting with a purpose and encourages the use of the data retrieval system and mine profile program. This information helps develop an inspection profile and/or strategy that meet the Agency's mission and goals.

Open meetings with the miners and mine operators increase awareness of accidents in all areas and help in the reduction of accidents at the mines.

Key indicators are used by the supervisor in the daily decision making process by the supervisor understands the root cause discrepancies in monthly reporting, assigns and accounts for their occurrence and remedy when applicable and includes best practices with MSHA inspectors. Key indicators are used to ensure performance levels and work loads are fair while ensuring EO1 inspections are completed at the rate of 100% throughout the field office and district area.

The supervisor assigned respirable dust survey that were completed with 100% completion rate.

**Organizational
Performance
Elements**

PERFORMANCE AGREEMENT RESULT # 3		Decrease by 2% per year the percentage of dust and noise samples taken with results that are less than half the permissible exposure limit. (Dust 11.5 target and Noise 3.63 target). <i>(DOL Strategic Goal 3 Safe and Secure Workplace – DOL Performance goal 3B – Reduce work-related fatalities, injuries and illnesses in mines)</i>
EXCEED		
MEET	✓	
NEED TO IMPROVE		
FAIL		

The supervisor assigned respirable dust surveys that were conducted with 100% completion rate and no citations/orders were issued for noncompliance.

**Organizational
Performance
Elements**

PERFORMANCE AGREEMENT RESULT # 4		MSHA's internal employee safety and health goals for FY 2008: 1. reduce the total case rates for injuries and illness by at least 3% per year; 2. reduce the case rates for lost time injuries and illnesses by at least 3% per year; 3. increase the timely filing of injury and illness notices by at least 5% per year; and 4. reduce the rates of loss production days due to injuries and illnesses by at least 1% per year. <i>(DOL Goals for President's SHARE Initiative for government wide Safety, Health and Return to Employment)</i>
EXCEED	<input checked="" type="checkbox"/>	
MEET	<input type="checkbox"/>	
NEED TO IMPROVE	<input type="checkbox"/>	
FAIL	<input type="checkbox"/>	

The supervisor promotes accident prevention management by conducting health and safety inspections and takes prompt action to eliminate unsafe conditions that may be present. Work group and field office health and safety training sessions are held monthly and safety awareness is discussed on a daily basis.

Inspector health and safety is promoted throughout the work group. Suggestions and input on employee health and safety issues are solicited from the staff. Employee accidents which have occurred within the district are thoroughly reviewed with all employees.

No lost time injuries occurred during this rating period. The supervisor's accomplishments in this area greatly enhanced the ability of the district to meet their goals.

Performance Management Plan for Managers and Supervisors

A. General Information			
1. Employee Name (last, first, middle) Moore, Thomas V.		2. Organization MSHA	
3. Title, Series, Grade Supervisory Coal Mine Safety and Health Inspector, GS-1822-13		4. Appraisal Period (mm/dd/yyyy) 11/10/2009 to 9/30/2010	
5. Supervisory Status <input checked="" type="checkbox"/> Code 2 - Supervisor or Manager			
B. Performance Elements and Standards Certification			
1. I certify that this performance plan contains accurate performance elements and standards that:		<input checked="" type="checkbox"/> Link at least one critical element to specific Department, Agency, and/or organizational strategic goal.	
		<input checked="" type="checkbox"/> Hold the employee accountable for measurable and observable results.	
		<input checked="" type="checkbox"/> Link to the employee's position description and reflect the duties and responsibilities assigned to the employee.	
2. Rating Official Signature <i>Lincoln L. Selfe</i>		Date (mm/dd/yyyy) 11-10-2009	
3. Rating Official Name (last, first, middle) Selfe, Lincoln L., Jr.			
4. Rating Official Title Assistant District Manager			
5. Prototype Standards? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
C. Position Description Certification			
1. Position description is correct? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, Explain below.)		2. Rating Official Signature <i>Lincoln L. Selfe</i>	
		Date (mm/dd/yyyy) 11-10-2009	
		3. Rating Official Name (last, first, middle) Selfe, Lincoln L., Jr.	
		4. Rating Official Title Assistant District Manager	
D. Establishment of the Performance Management Plan			
1. We have discussed this plan and written comments are attached. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Documented No Comments		2. Employee Signature <i>Thomas V. Moore</i>	
		Date (mm/dd/yyyy) 11-10-2009	
3. Rating Official Signature <i>Lincoln L. Selfe</i>		5. Reviewing Official Signature <i>Robert G. Hardman</i>	
Date (mm/dd/yyyy) 11-10-2009		Date (mm/dd/yyyy) 11/10/2009	
4. Rating Official Name (last, first, middle) Selfe, Lincoln L., Jr.		7. Reviewing Official Name (last, first, middle) Hardman, Robert G.	
5. Rating Official Title Assistant District Manager		8. Reviewing Official Title District Manager	
E. Mid-Term Progress Review Certification			
1. The mid-term progress review has been conducted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, Explain below.)		3. Rating Official Signature <i>Lincoln L. Selfe</i>	
		Date (mm/dd/yyyy) 04/16/2010	
2. Employee Signature <i>Thomas V. Moore</i>		4. Rating Official Name (last, first, middle) Selfe, Lincoln L.	
Date (mm/dd/yyyy) 4/16/2010		5. Rating Official Title Assistant District Manager	
F. Performance Appraisal and Rating			
1. Indicate Performance appraisal and rating below		2. We have discussed this appraisal; written comments are attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/> Exemplary	Exceed standards for all elements		
<input checked="" type="checkbox"/> Highly effective	Exceed standards for 50% or more elements but not all; meets standards for all other elements		
<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standards for less than 50% of elements		
<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements		
<input type="checkbox"/> Unsatisfactory	Fail to meet standards on one or more elements		
3. Purpose of Appraisal <input type="checkbox"/> Interim Rating <input checked="" type="checkbox"/> Rating of Record		7. Employee Signature <i>Thomas V. Moore</i>	
		Date (mm/dd/yyyy) 10/27/2010	
4. Rating Official Signature <i>Lincoln L. Selfe</i>		8. Reviewing Official Signature <i>Robert G. Hardman</i>	
Date (mm/dd/yyyy) 10/27/2010		Date (mm/dd/yyyy) 10/27/2010	
5. Rating Official Name (last, first, middle) Selfe, Lincoln L., Jr.		9. Reviewing Official Name (last, first, middle) Hardman, Robert G.	
6. Rating Official Title ADM Division 1		10. Reviewing Official Title District Manager	

G. Performance Summary

1. For each element, select the appropriate rating. Element ratings: E = Exceed; M = Meet; NI = Need to Improve; F = Fail

Managerial Competency Elements	Element Rating			
	E	M	NI	F
Leadership	✓			
Resource Management	✓			
Coalition Building and Communication		✓		
Problem Solving and Initiative		✓		
Equal Employment Opportunity		✓		

Organizational Performance Elements	Element Rating			
	E	M	NI	F
Result 1		✓		
Result 2		✓		
Result 3		✓		
Result 4		✓		

H. Other Significant Accomplishments

1. Please describe other significant accomplishments in the space below.

I. Managerial Competency Elements**1. Leadership**

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, consistent with key Agency policies and priorities and economic, political, and social trends affecting the organization.
- Anticipates and meets the needs of clients/customers. Sets standards for customers' needs and satisfaction and meets them.
- Uses Agency performance plans and other management systems to link individual performance to outcomes and to overall organizational performance objectives.
- Promotes and maintains diverse and inclusive workforce by actively recruiting and hiring from diverse applicant pools; fostering collaboration with individuals from diverse backgrounds, perspectives, and experiences; ensuring opportunities for growth exist equitably for all employees; and providing fair and equitable recognition of accomplishments for all employees.

Narrative

The supervisor vigorously monitors the status of all inspections with daily two-way conversation with the inspectors, office personnel and all others that are involved in the inspection process. As a result of these constant communications, if any adjustments or reassignments are deemed necessary; the supervisor makes them with great fortitude with the goals and mission of the Agency as the primary objective. The supervisor has an open door policy that promotes and provides an atmosphere that encourages input thus allowing problem solving to remain at the lowest level possible. The supervisor has developed plans for both short term goals and long term goals that adhere to key Agency policies as well as economic, social and political trends.

During the year many hours of discussions with the mine operators, compliance specialist and others have allowed for unforeseen problems to be addressed even before they became a problem. This allows the supervisor to address and handle controversy before it escalates. By continuing to stay in touch with the miners, mine operators, other enforcement agencies and other elements of the mining community, the needs of the community are anticipated and approached with a proactive attitude. By staying actively involved issues have been avoided before they became a serious problem for the miners, mining community and the Agency.

The supervisor makes regular visits, AA and FAR, to assigned mines in an effort to maintain good and open communications with miners, mine operators and inspection personnel. This professional approach has frequently prevented issues from by-passing the field office and going to the district level. The supervisor has fostered a trust and respect from miners, mine operators and inspectors that he has frequently been requested by the mine operator to assist in resolving mine problems. The supervisor has displayed a high level of effort and qualities by implementing the overall organizational performance objective and management systems to link and enhance the ability of individuals to identify problems and give them the resources necessary to address most problems.

2. Resource Management☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail**Performance Standard for Meet**

- Ensures that staff are appropriately selected, utilized, appraised and developed. Actively develops the talent of the staff and develops qualified candidates for positions in the organization.
- Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.
- Uses informal training, continuous managerial assessments, frequent and constructive feedback and appropriate recognition to promote staff morale and to ensure quality work products and customer service.
- Proactively works to maintain a safe workplace and to prevent accidents, injuries and illness. Resolves conflicts in a positive and constructive manner.
- Assures that the organizational budget is administered in a manner that supports the accomplishment of program goals and reflects sound financial management.
- Develops, implements, and maintains strategic and operational plans to facilitate the achievement of program responsibilities, assigned under the American Recovery and Reinvestment Act (ARRA) provisions, consistent with the Secretary's enduring vision of *Good Jobs for Everyone*. Assures that allocated ARRA funds are administered in accordance with the Department's "Operating Plans for Departmental Management Funds in the American Recovery and Reinvestment Act", and complies with Departmental requirements for accurate recording and reporting of ARRA-related activities and resource utilization.
- Actively recruits to attract and select qualified applicants with the competencies needed to successfully meet Departmental Fiscal Year 2010 hiring goals by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.

Narrative

The supervisor is an advocate of treating everyone fairly and equitably. He promotes and encourages this policy by example. Employees have been trained as to what steps to take concerning issues of discrimination.

The supervisor uses informal training such as meetings within the work group to promote team effort and sharing knowledge and experiences of individuals to reach set goals and policies of all assigned mines.

The leadership abilities foster a team atmosphere that broadens collectivity and individually the work group's knowledge and enables the work group to meet our mission and goals. The supervisor encourages and promotes safety of the office as well as while performing duties of the mines and facilities. This is achieved by conducting safety meetings and raising employee's awareness of their immediate environment.

The supervisor has maintained control over the resources in his assigned area of responsibility and has often during this rating period required adjusting priorities and manpower to meet deadlines and to gather mine specific information for requests from the district.

3. Coalition Building and Communication☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail**Performance Standard for Meet**

- Promotes an open, communicative environment where staff can readily access resources and move forward to accomplish common goals and tasks. Handles workplace disputes promptly and effectively.
- Makes clear to staff what is expected of them both individually and as a team/group; clarifies the extent of their authority.
- Effectively represents the Department and the program agency internally and externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

Narrative

There is an open relationship among employees that fosters an environment among the staff that allows common goals and tasks to be accomplished. There have been no workplace disputes between the employee's or the employee's and supervisor. The supervisor promotes an open, communicative environment where employees can readily access information and resources to move forward and accomplish goals and tasks. Good working relationships and communications with fair and open-minded values minimize disputes promptly and effectively.

Expectations, both individually and as a group, have been addressed many times during the year. Assignments have been fair and evenly assigned.

By having an open communication line between the mining communities, the supervisor and others in the mining community, common tasks, goals and projects have been addressed during the year. By sharing the work during the course of the year, decision making has been made easier by all the employees. The supervisor makes clear to the mine operators what is required and expected from them with prompt notification of any incident that occurs at the mine. This process has enabled the inspector to conduct his inspection/investigation in a timelier report, and reduced exposure of miner to unsafe working conditions.

4. Problem Solving and Initiative☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail**Performance Standard for Meet**

- Stresses innovation and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.
- Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results.

Narrative

The supervisor has been innovative and has not hesitated in taking risk to move the Agency programs forward at any given opportunity. He accepts mistakes with the attitude as part of the developmental process.

5. Equal Employment Opportunity☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail**Performance Standard for Meet**

- Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation; ensures EEO principles are adhered to throughout the organization.

Narrative

The supervisor displays a strong awareness concerning discrimination matters and compliance with EEO laws, regulations and policies. He works relentlessly to promote a better working relationship between the employees and the supervisors.

The supervisor is an advocate of treating everyone fairly and equitably. He promotes and encourages this policy by example. Employees have been trained as to what steps are to be taken concerning issues of discrimination.

The supervisor uses informal training such as meetings within the work group to promote team effort and sharing knowledge and experiences of individual efforts to reach set goals and policies of all assigned mines.

The leadership abilities foster a team atmosphere that broadens collectively and individually the workgroup's knowledge and enables the work group to meet our mission and goals.

The supervisor encourages and promotes safety at the office as well as while performing duties at the mines and facilities. This is achieved by conducting safety meetings and raising employee awareness of their immediate environment and surroundings.

The supervisor has maintained control over the resources in his assigned area of responsibility and often during this rating period was required to adjust priorities and manpower to meet deadlines and to gather mine specific information for requests from the district.

All employees are treated fair and equitable.

J. Organizational Performance Elements

At the beginning of the performance cycle, the rating official must provide, in Section J, four critical, results-specific elements and standards, at least one of which demonstrates linkage with the Secretary's vision of *Good Jobs for Everyone* that the employee will be held accountable for during the performance cycle. Each performance standard must be written at the Meets level and includes measures of performance such as quality, quantity, timeliness and cost effectiveness. Standards should be clear and not include detailed milestones or descriptions of the process and methods used to achieve the results.

In assigning a rating to each element, please rate the employee at one of the following four levels and include a written narrative as appropriate:

- Exceeds described level of performance (narrative required)
- Meets described level of performance (narrative not required)
- Needs to Improve in order to meet the level of performance (narrative required)
- Fails to meet described level of performance (narrative required)

Result #1

☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the mining fatality Injury Incidence Rate in the District's Coal mines in accordance with the performance goals and indicators.

Demonstrates efforts toward the reduction of the ALL Injury Incidence Rate in the District's Coal mines in accordance with the performance goals and indicators.

Monitor mine safety and health program area to ensure that citations/orders are timely terminated, and Hazard Condition Complaints are timely processed.

Performance Standard

Performance is satisfactory when:

A 5% reduction in FY10 from the average number of fatalities for FY2005 – FY2009.

The status of citations issued is monitored for timeliness of abatement. Performance will be measured by the degree to which the District is able to terminate citations within the period established by policy for abatement, and Hazard Condition Complaints are timely processed. Progress will be measured by using a variety of reports.

Narrative

The supervisor believes in firm and fair enforcement. To reduce injuries and fatalities he has instructed the inspectors to use the appropriate level of enforcement when issuing citations and orders. He reviews all citations and orders issued by the inspectors, providing oversight to ensure consistency among his workgroup.

The supervisor provided accident reports, information related to serious injuries, near misses and fatalities to be shared with the miners and operators by the inspectors, thus enhancing public relations with the mining community. This information was presented in a manner that corresponded with conditions and situations that might be present at each mine.

The inspectors have been instructed to make sure all citations/orders/safeguards are abated within the appropriate time frame. The supervisor monitors the due dates and holds the inspectors responsible for the paperwork they issue. When citations/orders/safeguards have been found to be past due, the issuing inspector has been immediately assigned to return to the mine and investigate to ensure the abatement has been completed.

Result #2

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice In the Workplace:

Demonstrates efforts toward the reduction of the fatalities and injuries in the District's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality in accordance with the performance goals and indicators. Incumbent monitors MSHA Coal Key Indicator and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of the District's geography and work load when determining acceptable average performance baselines.

Performance Standard

Performance is satisfactory when:

The incumbent demonstrates the use of the MSHA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. The incumbent must ensure that the completion rate of all E01 Inspections is 100% within their respective District. Exception to this only may be granted if the Incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all E01 Inspections at 100% will be for all coal mines district-wide.

Narrative

The supervisor insists and instills in his inspectors to be firm and fair in enforcement of the Agency's policies and regulations. He has encouraged inspectors to use the appropriate level of enforcement when issuing citations and orders.

The supervisor uses the MSHA key indicators and other reports to direct resources to monitor and improve enforcement performance and quality in accordance with the performance goals and indicators.

Key indicators are used by the supervisor in the daily decision making process by the supervisor high level of understanding the root cause discrepancies in monthly reporting. The supervisor encourages the use of the data retrieval system and mine profile program that will help develop an inspection profile and/or strategy that meets the Agency's mission and goal.

Result #3

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Take appropriate action to ensure the District achieves a 2% reduction from the previous year for dust and noise sample results exceeding the allowable limits.

Performance Standard

Performance is satisfactory when:

All entities are sampled for Respirable dust 4x/yr for underground and 2x/year for surface in addition to conducting focused inspections to target the most egregious and persistent violators; initiate systematic reviews of the quality of dust controls in approved mine ventilation and dust control plans to foster continuous improvement. Conduct a noise survey for each entity (both underground and surface) 1x a year.

Narrative

The supervisor ensured that all respirable dust sampling was conducted at 100% for underground and surface mines for FY 10. The GPRA dust standard target for the field office was exceeded in all four quarters which greatly enhanced the assigned target for the District GPRA goals.

Result #4

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Goal 10 – Voice in the Workplace:

Use all available tools in an effort to reduce and/or eliminate the inconsistent enforcement of MSHA regulations, the Mine Act and the MINER Act.

Use all available tools in an effort to reduce and/or eliminate the deficiencies identified in Accountability, District and Peer reviews. Incumbent will review findings noted in such reviews and timely implement corrective actions.

Performance Standard

Performance is met when:

- (1) MSHA handbook, policy and procedures have been followed;
 - (2) Required Mine visits are completed;
 - (3) Demonstrated efforts have been made to reduce or eliminate repeat audit findings and personnel are trained as necessary;
 - (4) Field Activity and Second Level reviews are accurately completed and all deficiencies are addressed;
 - (5) There are clear demonstrated efforts made to help assure consistency in citations/orders issued;
 - (6) Hazard Condition Complaints are timely processed; and
 - (7) Conferences and contested cases are conducted in accordance with MSHA handbook, policy and procedural guidance.
- All reductions or changes by a District CLR during conferences or contested cases have been made with good reason and clear documentation provided. All settlement proposals have been reviewed and approved by MSHA management prior to settlement and proper documentation maintained.

Narrative

The supervisor uses all available tools and resources to eliminate the inconsistent enforcement of MSHA regulations, the Mine Act and the Miner Act.

The supervisor meticulously monitors all reports to ensure consistency in an effort to reduce and/or eliminate the deficiencies in accountability, district and peer reviews. He exhibits a high degree of understanding of MSHA handbooks, policy and procedures. He makes regular mine visits, AA and FAR, at assigned mines in an effort to maintain good and open communication with miners, mine operators and inspection personnel. The professional approach has frequently prevented issues from bypassing the field office and going to the district level. These are conducted in accordance with MSHA handbook, policy and procedural guidance. The supervisor has displayed a high level of effort and qualities by implementing the overall organizational performance objectives and management systems to enhance the ability of individuals to identify problems and give them the resources necessary to address the problems when responding to hazardous conditions complaints and process them in a timely manner.

Performance Management Plan for Managers and Supervisors



A. General Information													
1. Employee Name (last, first, middle) Moore, Thomas V.		2. Organization Coal											
3. Title, Series, Grade FIELD OFFICE SUPERVISORY, GS-1822,13		4. Appraisal Period (mm/dd/yyyy) 11/17/2010 to 10/19/2011											
5. Supervisory Status <input type="checkbox"/> Code 2 - Supervisor or Manager													
B. Performance Elements and Standards Certification													
1. I certify that this performance plan contains accurate performance elements and standards that:		<input checked="" type="checkbox"/> All critical results elements link to the Agency's operating plan. <input checked="" type="checkbox"/> Hold the employee accountable for measurable and/or observable results. <input checked="" type="checkbox"/> Link to the employee's position description and reflect the duties and responsibilities assigned to the employee.											
2. Rating Official Signature <i>John L. Selfe</i>		Date (mm/dd/yyyy) 11-15-2010											
3. Rating Official Name (last, first, middle) Selfe, Lincoln L.													
4. Rating Official Title Assistant District Manager, Inspection Division I													
5. Prototype elements and/or standards <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
C. Position Description Certification													
1. Position description is correct? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, explain below.)		2. Rating Official Signature <i>John L. Selfe</i>											
		Date (mm/dd/yyyy) 11-15-2010											
		3. Rating Official Name (last, first, middle) Selfe, Lincoln L.											
		4. Rating Official Title Assistant District Manager, Inspection Division I											
D. Establishment of the Performance Management Plan													
1a. I discussed this plan with employee. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		1b. Employee written comments are attached. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No											
3. Rating Official Signature <i>John L. Selfe</i>		Date (mm/dd/yyyy) 11-15-2010											
4. Rating Official Name (last, first, middle) Selfe, Lincoln L.		5. Employee Signature <i>Thomas V. Moore</i>											
5. Rating Official Title Assistant District Manager, Inspection Division I		Date (mm/dd/yyyy) 11/15/2010											
		6. Reviewing Official Signature <i>Robert G. Hardman</i>											
		Date (mm/dd/yyyy) 11/17/2010											
		7. Reviewing Official Name (last, first, middle) Hardman, Robert G.											
		8. Reviewing Official Title District Manager											
E. Mid-Term Progress Review Certification													
1. The mid-term progress review has been conducted. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, explain below.)		3. Rating Official Signature <i>John L. Selfe</i>											
		Date (mm/dd/yyyy) 05-05-2011											
		4. Rating Official Name (last, first, middle) Selfe, Lincoln L.											
2. Employee Signature <i>Thomas V. Moore</i>		5. Rating Official Title ADM											
Date (mm/dd/yyyy) 5/6/2011													
F. Performance Appraisal and Rating													
1. Indicate performance appraisal and rating below.		2a. I discussed this appraisal with employee. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No											
<table border="1"> <tr> <td><input type="checkbox"/> Exemplary</td> <td>Exceed standards for all elements</td> </tr> <tr> <td><input checked="" type="checkbox"/> Highly Effective</td> <td>Exceed standards for 50% or more elements but not all; meet standards for all other elements</td> </tr> <tr> <td><input type="checkbox"/> Effective</td> <td>Meet standards for all elements and may exceed standards for less than 50% of elements</td> </tr> <tr> <td><input type="checkbox"/> Minimally Satisfactory</td> <td>Need to improve performance for one or more elements</td> </tr> <tr> <td><input type="checkbox"/> Unsatisfactory</td> <td>Fall to meet standards on one or more elements</td> </tr> </table>		<input type="checkbox"/> Exemplary	Exceed standards for all elements	<input checked="" type="checkbox"/> Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements	<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standards for less than 50% of elements	<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements	<input type="checkbox"/> Unsatisfactory	Fall to meet standards on one or more elements	2b. Employee written comments are attached. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/> Exemplary	Exceed standards for all elements												
<input checked="" type="checkbox"/> Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements												
<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standards for less than 50% of elements												
<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements												
<input type="checkbox"/> Unsatisfactory	Fall to meet standards on one or more elements												
3. Purpose of Appraisal <input type="checkbox"/> Interim Rating <input checked="" type="checkbox"/> Rating of Record		7. Rating Official Signature <i>Thomas V. Moore</i>											
		Date (mm/dd/yyyy) 10/17/2011											
4. Rating Official Signature <i>John L. Selfe</i>		8. Reviewing Official Signature <i>Charles E. Carpenter</i>											
Date (mm/dd/yyyy) 10/19/2011		Date (mm/dd/yyyy) 10-18-11											
5. Rating Official Name (last, first, middle) Selfe, Lincoln L., Jr.		9. Reviewing Official Name (last, first, middle) Charles E. Carpenter											
6. Rating Official Title Assistant District Manager Inspection Division I		10. Reviewing Official Title District Manager											

G: Performance Summary

1. For each element, select the appropriate rating. Element ratings: E = Exceed; M = Meet; NI = Need to Improve; F = Fail

Managerial Competency Elements	Element Rating			
	E	M	NI	F
Leadership	✓			
Resource Management	✓			
Coalition Building and Communication	✓			
Problem Solving and Initiative	✓			
Equal Employment Opportunity		✓		

Organizational Performance Elements	Element Rating			
	E	M	NI	F
Result 1	✓			
Result 2	✓			
Result 3		✓		
Result 4		✓		

H: Other Significant Accomplishments

1. Please describe other significant accomplishments in the space below.

I. Managerial Competency Elements**1. Leadership**

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, consistent with key Agency policies and priorities and economic, political, and social trends affecting the organization.
- Anticipates and meets the needs of clients/customers. Sets standards for customers' needs and satisfaction and meets them.
- Uses Agency performance plans and other management systems to link individual performance to outcomes and to overall organizational performance objectives.
- Promotes and maintains diverse and inclusive workforce by actively recruiting and hiring from diverse applicant pools; fostering collaboration with individuals from diverse backgrounds, perspectives, and experiences; ensuring opportunities for growth exist equitably for all employees; and providing fair and equitable recognition of accomplishments for all employees.

Narrative

The supervisor vigorously monitors the status of all inspections with daily two-way conversation with the inspectors, office personnel and all others that are involved in the inspection process. As a result of these constant communications, if any adjustments or reassignments are deemed necessary, the supervisor makes them with great fortitude with the goals and mission of the Agency as the primary objective. The supervisor has an open door policy that promotes and provides an atmosphere that encourages input thus allowing problem solving to remain at the lowest level possible. The supervisor has developed plans for both short term goals and long term goals that adhere to key Agency policies as well as economic, social and political trends.

During the year many hours of discussions with the mine operators, compliance specialist and others have allowed for unforeseen problems to be addressed even before they become a problem. This allows the supervisor to address and handle controversy before it escalates. By continuing to stay in touch with the miners, mine operators, other enforcement agencies and other elements of the mining community, the needs of the community are anticipated and approached with a proactive attitude. By staying actively involved issues have been avoided before they became a serious problem for the miners, mining community and the Agency.

The supervisor makes regular visits, AA and FAR, to assigned mines in an effort to maintain good and open communications with miners, mine operators and inspection personnel. This professional approach has frequently prevented issues from by-passing the field office and going to the district level. The supervisor has fostered a trust and respect from miners, mine operators and inspectors that he has frequently been requested by the mine operator to assist in resolving mine problems.

The supervisor has displayed a high level of effort and qualities by implementing the overall organizational performance objective and management systems to link and enhance the ability of individuals to identify problems and give them the resources necessary to address most problems.

The supervisor leads by example and fosters a team atmosphere that improves communication and morale in the work group(s).

Previous editions are not usable.

2. Resource Management☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail**Performance Standard for Meet**

- Ensures that staff are appropriately selected, utilized, appraised and developed. Actively develops the talent of the staff and develops qualified candidates for positions in the organization.
- Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.
- Uses informal training, continuous managerial assessments, frequent and constructive feedback and appropriate recognition to promote staff morale and to ensure quality work products and customer service.
- Proactively works to maintain a safe workplace and to prevent accidents, injuries and illness. Resolves conflicts in a positive and constructive manner.
- Assures that the organizational budget is administered in a manner that supports the accomplishment of program goals and reflects sound financial management.
- Develops, implements, and maintains strategic and operational plans to facilitate the achievement of program responsibilities, assigned under the American Recovery and Reinvestment Act (ARRA) provisions, consistent with the Secretary's enduring vision of *Good Jobs for Everyone*. Assures that allocated ARRA funds are administered in accordance with the Department's "Operating Plans for Departmental Management Funds in the American Recovery and Reinvestment Act", and complies with Departmental requirements for accurate recording and reporting of ARRA-related activities and resource utilization.
- Actively recruits to attract and select qualified applicants with the competencies needed to successfully meet Departmental Fiscal Year 2010 hiring goals by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.

Narrative

The supervisor is an advocate of treating everyone fairly and equitable. He promotes and encourages this policy by example. Employees have been trained as to what steps to take concerning issues of discrimination.

The supervisor uses informal training such as meetings within the work group to promote team effort and sharing knowledge and experiences of individuals to reach set goals and policies of all assigned mines.

The leadership abilities foster a team atmosphere that broadens collectivity and individually the work group's knowledge and enables the work group to meet our mission and goals.

The supervisor encourages and promotes safety of the office as well as while performing duties of the mines and facilities. This is achieved by conducting safety meetings and raising employee's awareness of their immediate environment.

The supervisor has maintained control over the resources in his assigned area of responsibility and has often during this rating period required adjusting priorities and manpower to meet deadlines and to gather mine specific information for requests from the district.

The agency's budget is administered in a manner that supports the goals and mission of the agency. This has been done with a proactive attitude involving monitoring the status of all inspection with daily two-way conversations with the inspectors and the use of key indicators on regular (EO1) on-site inspection hours by day of week by inspectors.

The supervisor evaluates the employees and keys upon their strengths and weaknesses. He formulates teams utilizing the strengths of the employees and uses the teams for cross-training purposes to elevate the employee's weaknesses to result in a stronger more balanced workforce and provides a more consistent and better quality service to our stakeholders.

The supervisor has maintained control over the resources in his assigned area of responsibility and often during this rating period was required to adjust priorities and manpower to meet deadlines and to gather mine specific information for requests from the district.

3. Coalitions Building and Communication

W/CALEB ☐ W/ECT ☐ NEED TO IMPROVE ☐ Fair

Performance Standard for Meet

- Promotes an open, communicative environment where staff can readily access resources and move forward to accomplish common goals and tasks. Handles workplace disputes promptly and effectively.
- Makes clear to staff what is expected of them both individually and as a team/group; clarifies the extent of their authority.
- Effectively represents the Department and the program agency internally and externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

Narrative

There is an open relationship among employees' that fosters a positive environment among the staff that allows common goals and tasks to be accomplished. There have been no workplace disputes between the employee's or the employee's and supervisor. The supervisor promotes an open, communicative environment where employees can readily access information and resources to move forward and accomplish goals and tasks. Good working relationships and communications with fair and open-minded values minimize disputes promptly and effectively.

Expectations, both individually and as a group, have been addressed many times during the year. Assignments have been fair and evenly assigned.

By having an open communication line between the mining communities, the supervisor and others in the mining community, common tasks, goals and projects have been addressed during the year. By sharing the work during the course of the year, decision making has been made easier by all the employees. The supervisor makes clear to the mine operators what is required and expected from them with prompt notification of any incident that occurs at the mine. This process has enabled the inspector to conduct his inspection/investigation in a timelier report, and reduced exposure of miners to unsafe working conditions.

The supervisor has made himself readily available to the inspectors to assist and provide guidance when warranted. Through this effort, coalition of the work group has been easily attained and fostered.

4. Problem Solving and Initiative

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Stresses innovation and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.
- Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results.

Narrative

The supervisor has been innovative and has not hesitated in taking risks to move the Agency programs forward at any given opportunity. He accepts mistakes with the attitude as part of the developmental process.

The supervisor has worked with the technical program groups to explore and create alternative resolutions to many of the problems encountered in FY 11. By involving the technical groups, he has motivated the inspectors to develop innovative strategies to several issues and/or problems.

5. Equal Employment Opportunity

☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation; ensures EEO principles are adhered to throughout the organization.

Narrative

The supervisor displays a strong awareness concerning discrimination matters and compliance with EEO laws, regulations and policies. He works relentlessly to promote a better working relationship between the employees and the supervisors.

The supervisor is an advocate of treating everyone fairly and equitably. He promotes and encourages this policy by example. Employees have been trained as to what steps are to be taken concerning issues of discrimination.

The supervisor uses informal training such as meetings within the work group to promote team effort and sharing knowledge and experiences of individual efforts to reach set goals and policies of all assigned mines.

The leadership abilities foster a team atmosphere that broadens collectively and individually the workgroup's knowledge and enable the work group to meet our mission and goals.

The supervisor encourages and promotes safety at the office as well as while performing duties at the mines and facilities. This is achieved by conducting safety meetings and raising employee awareness of their immediate environment and surroundings.

All employees are treated fair and equitable.

The supervisor is an active mentor and frequently travels with the inspectors monitoring their performance and providing feedback as necessary to improve overall performance.

J. Organizational Performance Elements

At the beginning of the performance cycle, the rating official must provide, in Section J, four critical, results-specific elements and standards, at least one of which demonstrates linkage with the Secretary's vision of *Good Jobs for Everyone* that the employee will be held accountable for during the performance cycle. Each performance standard must be written at the Meets level and includes measures of performance such as quality, quantity, timeliness and cost effectiveness. Standards should be clear and not include detailed milestones or descriptions of the process and methods used to achieve the results.

In assigning a rating to each element, please rate the employee at one of the following four levels and include a written narrative as appropriate:

- Exceeds described level of performance (narrative required)
- Meets described level of performance (narrative not required)
- Needs to Improve In order to meet the level of performance (narrative required)
- Fails to meet described level of performance (narrative required)

Result #1

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the mining fatality injury incidence rate in the District's Coal mines in accordance with the performance goals and indicators.

Demonstrates efforts toward the reduction of the ALL Injury Incidence Rate in the District's Coal mines in accordance with the performance goals and indicators.

Monitor mine safety and health program area to ensure that citations/orders are timely terminated, and Hazard Condition Complaints are timely processed.

Performance Standard

Performance is satisfactory when:

A 5% reduction in FY10 from the average number of fatalities for FY2005 – FY2009.

The status of citations issued is monitored for timeliness of abatement. Performance will be measured by the degree to which the District is able to terminate citations within the period established by policy for abatement, and Hazard Condition Complaints are timely processed. Progress will be measured by using a variety of reports.

Narrative

The supervisor believes in firm and fair enforcement. To reduce injuries and fatalities he has instructed the inspectors to use the appropriate level of enforcement when issuing citations and orders. He reviews all citations and orders issued by the inspectors, providing oversight to ensure consistency among his workgroup.

The supervisor provided accident reports, information related to serious injuries, near misses and fatalities to be shared with the miners and operators by the inspectors, thus enhancing public relations with the mining community. This information was presented in a manner that corresponded with conditions and situations that might be present at each mine.

The inspectors have been instructed to make sure all citations/orders/safeguards are abated within the appropriate time frame.. The supervisor monitors the due dates and holds the inspectors responsible for the paperwork they issue which has resulted in very few citations going beyond the date scheduled for abatement. When any citations/orders/safeguards have been found to be past due, the issuing inspector has been immediately assigned to return to the mine and investigate to ensure the abatement has been completed.

Result #2

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the fatalities and injuries in the District's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality in accordance with the performance goals and indicators. Incumbent monitors MSHA Coal Key Indicator and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of the District's geography and work load when determining acceptable average performance baselines.

Performance Standard

Performance is satisfactory when:

The incumbent demonstrates the use of the MSHA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. The incumbent must ensure that the completion rate of all E01 inspections is 100% within their respective District. Exception to this only may be granted if the Incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all E01 inspections at 100% will be for all coal mines district-wide.

Narrative

The supervisor insists and instills in his inspectors to be firm and fair in enforcement of the Agency's policies and regulations. He has monitored and encouraged inspectors to use the appropriate level of enforcement when issuing citations and orders.

The supervisor uses the MSHA key indicators and other reports for oversight assistance and directs resources to improve enforcement performance and quality in accordance with the performance goals set by the Agency.

Key indicators are used by the supervisor in the daily decision making process by the supervisor high level of understanding the root cause discrepancies in monthly reporting. The supervisor encourages the use of the data retrieval system and mine profile program that will help develop an inspection profile and/or strategy that meets the Agency's mission and goal.

Result #3

☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Take appropriate action to ensure the District achieves a 2% reduction from the previous year for dust and noise sample results exceeding the allowable limits.

Performance Standard

Performance is satisfactory when:

All entities are sampled for Respirable dust 4x/yr for underground and 2x/year for surface in addition to conducting focused inspections to target the most egregious and persistent violators; initiate systematic reviews of the quality of dust controls in approved mine ventilation and dust control plans to foster continuous improvement. Conduct a noise survey for each entity (both underground and surface) 1x a year.

Narrative

The supervisor ensured that all respirable dust sampling was conducted at 100% for underground and surface mines for FY 10. The GPRA dust standard target for the field office was exceeded in all four quarters which greatly enhanced the assigned target for the District GPRA goals.

Result #4☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Goal 10 – Voice in the Workplace:

Use all available tools in an effort to reduce and/or eliminate the inconsistent enforcement of MSHA regulations, the Mine Act and the MINER Act.

Use all available tools in an effort to reduce and/or eliminate the deficiencies identified in Accountability, District and Peer reviews. Incumbent will review findings noted in such reviews and timely implement corrective actions.

Performance Standard

Performance is met when:

- (1) MSHA handbook, policy and procedures have been followed;
- (2) Required Mine visits are completed;
- (3) Demonstrated efforts have been made to reduce or eliminate repeat audit findings and personnel are trained as necessary;
- (4) Field Activity and Second Level reviews are accurately completed and all deficiencies are addressed;
- (5) There are clear demonstrated efforts made to help assure consistency in citations/orders issued;
- (6) Hazard Condition Complaints are timely processed; and
- (7) Conferences and contested cases are conducted in accordance with MSHA handbook, policy and procedural guidance. All reductions or changes by a District CLR during conferences or contested cases have been made with good reason and clear documentation provided. All settlement proposals have been reviewed and approved by MSHA management prior to settlement and proper documentation maintained.

Narrative

The supervisor uses all available tools and resources to eliminate the inconsistent enforcement of MSHA regulations, the Mine Act and the Miner Act.

The supervisor meticulously monitors all reports to ensure consistency in an effort to reduce and/or eliminate the deficiencies in accountability, district and peer reviews. He exhibits a high degree of understanding of MSHA handbooks, policy and procedures. He makes regular mine visits, AA and FAR, at assigned mines in an effort to maintain good and open communication with miners, mine operators and inspection personnel. The professional approach has frequently prevented issues from bypassing the field office and going to the district level. These are conducted in accordance with MSHA handbook, policy and procedural guidance. The supervisor has displayed a high level of effort and qualities by implementing the overall organizational performance objectives and management systems to enhance the ability of individuals to identify problems and give them the resources necessary to address the problems when responding to hazardous conditions complaints and process them in a timely manner.

TAB 6

ATTACHMENT 1: WORKSHEET

General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Leadership

10/17/11 FY 11

Tom Moore

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	P
<input type="checkbox"/>	Result 1: Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.	Strategic Planning Support for Leadership Organizational Performance	<ul style="list-style-type: none"> Demonstrates extensive awareness and understanding of the Department's mission and strategic vision. Actively works to develop and/or implement forward-looking strategic plans that maximize the Agency's ability to achieve its objectives. Employs innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Can effectively communicate and manage the implementation of results-oriented strategic plans to achieve the Agency's goals. Demonstrates an understanding of the Agency's performance indicators. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Anticipates and meets the needs of clients/customers to provide better service. <ul style="list-style-type: none"> Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures to consider customer, stakeholder, and employee perspectives. 	Customer Service	<ul style="list-style-type: none"> Provides the highest quality service to Agency customers, stakeholders, and employees by anticipating, addressing, and proactively managing current and future needs. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Consistently anticipates and meets customers' needs and satisfies standards for effective customer service. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 3: Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.	Innovation & Risk	<ul style="list-style-type: none"> Engenders a culture that encourages employees to take calculated risks to improve performance. <input type="checkbox"/>	<ul style="list-style-type: none"> Accepts employees' reasonable mistakes as part of the development process. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

1

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	P
<input type="checkbox"/>	<p>Result 4: Links individual performance requirements to key organizational goals.</p> <ul style="list-style-type: none"> Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings. Recognizes subordinate performance and teamwork. 	<p>Leadership Support Reward & Recognition Teamwork Individual Performance</p>	<ul style="list-style-type: none"> Shares recognition and routinely rewards colleagues' accomplishments. Repeatedly demonstrates an ability to link individual with Departmental and agency performance requirements. Effectively uses agency and Interagency teams to achieve agency outcomes. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Provides opportunities for individual and team development. Appropriately uses available performance, reward and recognition systems. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 5: Promotes and adheres to the highest ethical standards of public service.</p>	Ethics	<ul style="list-style-type: none"> Acts as a model of integrity personally and establishes an organizational culture that sets expectations of the highest ethical standards of public service among subordinate staff. <input type="checkbox"/> 	<ul style="list-style-type: none"> Adheres personally to the highest ethical standards of public service and encourages ethical behavior among subordinate staff. <input checked="" type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Resource Management

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	R
<input type="checkbox"/>	<p>Result 1: Understands the organization's financial processes.</p> <ul style="list-style-type: none"> Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls. 	Financial Management	<ul style="list-style-type: none"> Displays an exceptional level of awareness and concern for agency expenditures and financial priorities. Through teamwork and institutional knowledge, leverages agency resources to achieve maximum results. Engages in the identification of cost saving strategies and efficiencies. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Manages agency resources through the utilization and administration of appropriate budget processes and requirements. Makes decisions based on the agency's financial priorities and expenditures. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 2: Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.</p>	Hiring/Diversity	<ul style="list-style-type: none"> Manages this with an acute understanding of available hiring flexibilities and utilizes them in order to attract and select qualified applicants. Sets and meets hiring goals to maintain strength and reduce lapsed FTE. <input type="checkbox"/>	<ul style="list-style-type: none"> Applies merit principles to develop, select, and manage a diverse workforce. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 3: Understands the impact of technological developments on the organization.</p> <ul style="list-style-type: none"> Makes effective use of technology to achieve results. Ensures access to and security of technology systems. 	Technology & Modernization	<ul style="list-style-type: none"> Identifies and creatively utilizes current and new technologies to maximize the agency's ability to achieve its priorities. Encourages the use of technology to share information and engage stakeholders. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Appropriately utilizes and upgrades technologies to meet agency goals. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

3

TAB 6

ATTACHMENT 1: WORKSHEET

General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	P
<input type="checkbox"/>	Result 4: Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.	Fair Labor Standards Act	<ul style="list-style-type: none"> In addition, develops and implements strategies that reliably document compliance with FLSA, supplemented by an awareness of staff hours worked to corroborate the effectiveness of these controls. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Makes the Fair Labor Standards Act (FLSA) and DOL policy available to employees and conveys management and conveys expectations for compliance. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

Managerial Competency Element: Coalition Building and Communication

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	P
<input type="checkbox"/>	Result 1: Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. <ul style="list-style-type: none"> Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner. 	Communication & Morale	<ul style="list-style-type: none"> Sets an example of accessibility and transparency. <ul style="list-style-type: none"> Fosters and reinforces a collaborative and engaged environment that inspires and encourages service, motivation, spirit, pride and trust. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Manages an open, communicative environment that serves the agency's mission. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Effectively represents the Department and the organization internally and/or externally. <ul style="list-style-type: none"> Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others. 	Internal & External Relations	<ul style="list-style-type: none"> Serves as an effective, reliable, and persuasive representative of the agency and Department of Labor on virtually all matters internal and external to the agency. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Serves as an effective representative of his/her immediate agency/office. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 6

ATTACHMENT 1: WORKSHEET

General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Problem Solving and Initiative

E

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Stresses innovation, creativity, and risk-taking. <ul style="list-style-type: none"> Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward. 	Innovation & Risk	<ul style="list-style-type: none"> Clearly demonstrates initiative and ability to explore and create alternative solutions to problems. Encourages, promotes, and supports innovative strategies among subordinates. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> An effective problem solver. Recognizes innovation. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Managerial Competency Element: Equal Employment Opportunity and Diversity

W

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Promotes and maintains a diverse and inclusive workforce. <ul style="list-style-type: none"> Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees. 	Diversity	<ul style="list-style-type: none"> Promotes and manages an inclusive workforce by championing diversity as a value in all aspects of the agency. Practices effective recruitment efforts to increase the pool of quality candidates from underrepresented groups. Promotes diversity at all grade levels. <input type="checkbox"/>	<ul style="list-style-type: none"> Takes diversity into account while ensuring fair and nondiscriminatory recruitment, hiring, promotion and recognition. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

5

TAB 6
ATTACHMENT 1: WORKSHEET

General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	T
<input type="checkbox"/>	<p>Result 2: Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs.</p> <ul style="list-style-type: none"> Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization. 	Talent Management Diversity	<ul style="list-style-type: none"> Displays the highest commitment to the identification and/or recruitment, development, promotion and retention of diverse and talented individuals to build leadership capacity throughout the agency. Is an active mentor and gives clear and actionable feedback to subordinates. Upholds EEO principles. Actively encourages and participates in succession planning. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Manages the workforce to meet the needs of the agency by taking into account EEO principles, succession planning, diversity, recruitment, and training. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

6

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



MAR 07 2013

MEMORANDUM FOR JOHN MORAN

**Deputy Assistant Secretary
Veterans Employment and Training Service**

FROM:

JOSEPH A. MAIN
**Assistant Secretary of Labor for
Mine Safety and Health**

A handwritten signature in dark ink, appearing to read "Joseph A. Main", is written over the typed name and title.

SUBJECT:

Delegation of Authority

Pursuant to DOL Personnel Regulation (DPR) 771, Section 3.b.1.a, I am delegating to you the authority to make determinations and to serve as the Deciding Official on behalf of the Mine Safety and Health Administration (MSHA) concerning administrative grievances which may be filed by employees Lincoln Selfe, Donald Winston, and Charles Thomas. The grievances would be related to the disciplinary actions these individuals received for failure to carry out official duties. The purpose of this delegation is to expedite grievance processing.

Please contact Ms. Donna Kramer, Supervisory Human Resources Specialist, at 202-693-7686, if you have any questions about the foregoing.

You can now file your MSHA claims online at www.MSHA.gov. It's easy, it's fast, and it's free too! Money

**Confidential Agency Document
DLB-000094**

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



MAR 07 2013

MEMORANDUM FOR JOHN MORAN

**Deputy Assistant Secretary
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Confidential Agency Document
DLB-000095

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



MAR 07 2013

MEMORANDUM FOR JOHN MORAN

**Deputy Assistant Secretary
Veterans Employment and Training Service**

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JOSEPH A. MAIN
Assistant Secretary of Labor for
Mine Safety and Health

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Confidential Agency Document
DLB-000096

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



MAR 07 2013

MEMORANDUM FOR JOHN MORAN

Deputy Assistant Secretary
Veterans Employment and Training Service

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JOSEPH A. MAIN
Assistant Secretary of Labor for
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Confidential Agency Document
DLB-000097

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 106-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) SELFE JR, LINCOLN L				2. Social Security Number		3. Date of Birth		4. Effective Date			
FIRST ACTION					SECOND ACTION						
5-A. Code 894		5-B. Nature of Action GEN ADJ			6-A. Code		6-B. Nature of Action				
5-C. Code QWM		5-D. Legal Authority REG 531.207			6-C. Code		6-D. Legal Authority				
5-E. Code ZLM		5-F. Legal Authority E O 13525			6-E. Code		6-F. Legal Authority				
7. FROM: Position Title and Number					15. TO: Position Title and Number SUPERVISORY MINE SAFETY AND HEALTH INS CBP11401 SL0011						
8. Pay Plan		9. Occ. Code		10. Grade/Level		11. Step/Rate		12. Total Salary		13. Pay Basis PA	
11A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay .00		16. Pay Plan GS		17. Occ. Code 1822	
								18. Grade/Level 14		19. Step/Rate 09	
								20. Total Salary/Award		21. Pay Basis PA	
								20A. Basic Pay		20B. Locality Adj.	
								20C. Adj. Basic Pay		20D. Other Pay .00	
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization MINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OFC OF THE ADMINISTRATOR FOR C COAL, DIST. 4 INSPECTION DIVISIO DL M10106090400000000 PP 01 2010						
EMPLOYEE DATA					24. Tenure			25. Agency Use		26. Veterans Preference for RIF	
23. Veterans Preference 1 - None 2 - 5-Paid 3 - 10-Paid/Disability 4 - 10-Paid/Compensable 5 - 10-Paid/Other 6 - 10-Paid/Compensable/30%					1 - None 2 - Conditional 3 - Indefinite					YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
27. FEGLI 25 BASIC-STANDARD-SX ADDITIONAL-SX FAM					28. Annuitant Indicator 9 NOT APPLICABLE			29. Pay Rate Determinant 0			
30. Retirement Plan 1 CS					31. Service Comp. Date (Leave) 09/29/82			32. Work Schedule F FULL TIME		33. Part-Time Hours Per Biweekly Pay Period	
POSITION DATA					35. FLSA Category E E-Exempt N-Nonexempt			36. Appropriation Code		37. Bargaining Unit Status 8888	
34. Position Occupied 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved					38. Duty Station Code 54-1870-019			39. Duty Station (City - County - State or Overseas Location) MOUNT HOPE FAYETTE WV			
40. Agency Data		41.		42.		43.		44.			

45. Remarks

FEDERAL PAY INCREASE DUE TO E.O. 13525 SIGNED 12/23/09
SALARY INCLUDES A GENERAL INCREASE OF 1.5% ROUNDED AND A LOCALITY
PAYMENT (OR OTHER GEOGRAPHIC ADJUSTMENT) APPLICABLE IN THIS AREA.

46. Employing Department or Agency DEPARTMENT OF LABOR			50. Signature/Authentication and Title of Approving Official E/S BY: CRYSTAL L. GUY HUMAN RESOURCES OFFICER		
47. Agency Code DL M1	48. Personnel Office ID 3392	49. Approval Date 12/23/09			

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



JUL 11 2013

MEMORANDUM FOR JOHN MORAN
Deputy Assistant Secretary
Veterans Employment and Training Service

FROM: *Joseph A. Main*
JOSEPH A. MAIN
Assistant Secretary of Labor for
Mine Safety and Health

SUBJECT: Delegation of Authority

Pursuant to DOL Personnel Regulation (DPR) 771, Section 3.b.1.a, I am delegating to you the authority to make determinations and to serve as the Deciding Official on behalf of the Mine Safety and Health Administration (MSHA) concerning an administrative grievance which may be filed by . The grievance would be related to a disciplinary action this individual received for inappropriate conduct. The purpose of this delegation is to expedite grievance processing.

Please contact Ms. Donna Kramer, Supervisory Human Resources Specialist, at 202-693-7686, if you have any questions about the foregoing.

You can now file your MSHA forms online at www.MSHA.gov. It's easy, it's fast, and it saves you money!

Confidential Agency Document
DLB-000099

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



JUL 11 2013

MEMORANDUM FOR JOHN MORAN

Deputy Assistant Secretary
Veterans Employment and Training Service

Joseph A. Main

FROM:

JOSEPH A. MAIN
Assistant Secretary of Labor for
Mine Safety and Health

SUBJECT:

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Please contact Ms. Donna Kramer, Supervisory Human Resources Specialist, at 202-693-7686, if you have any questions about the foregoing.

John K. Moran
Deputy Assistant Secretary
Veterans' Employment and Training Services
200 Constitution Ave., NW
Room S 1325
Washington, DC 20210

The time limit for filing a grievance may be extended for good cause by mutual agreement between you and Mr. Moran.

If you believe this action was taken in reprisal for whistleblowing, you may raise the matter by filing a MSPB appeal as outlined above, or by filing a complaint with the Office of Special Counsel. The Office of Special Counsel will investigate your complaint and will either file an action on your behalf or notify you of your right to file an Individual Right of Action appeal to the MSPB. A complaint may be filed electronically at www.osc.gov, or may be filed in writing by filling out Form OSC-11, and faxing or mailing the completed form to the Office of Special Counsel at the following address or fax number:

Complaint Examining Unit
Office of Special Counsel
1730 M Street NW, Suite 218
Washington, DC 20036-4505
Fax: 202-254-3711

If you feel that you have been discriminated against because of race, religion, color, age, sex, national origin, or disability, you may file an equal employment opportunity (EEO) complaint with the U.S. Department of Labor. If you file an EEO complaint with the U.S. Department of Labor, you should submit it to the Civil Rights Center, Room N-4123, 200 Constitution Avenue, N.W., Washington, DC 20212.

You have the right to be represented by an attorney or other representative of your choice so long as there is no conflict of interest to the agency. However, you must designate your choice of representative in writing to Mr. Moran. Any choice must include your representative's name, address, and phone number.

You are entitled to a reasonable amount of duty time to prepare and present a grievance if otherwise in a duty status. You must request and receive approval from your immediate supervisor for the use of duty time for this purpose.

If there is anything in this notice that you do not understand or if you have a question about the process used, please contact Ms. Donna Kramer, Supervisory Human Resources Specialist, at 202-693-7686.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
OMB Subject: 5010-106

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) SEIFE JR, LINCOLN L				2. Social Security Number		3. Date of Birth		4. Effective Date			
FIRST ACTION					SECOND ACTION						
5-A. Code 703		5-B. Nature of Action PROMOTION NTE 03/26/13			6-A. Code		6-B. Nature of Action				
5-C. Code NRM		5-D. Legal Authority REG 335 102 EXCEPT			6-C. Code		6-D. Legal Authority				
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority				
7. FROM: Position Title and Number SUPERVISORY MINE SAFETY AND HEALTH INS CBP11401 SL0011					15. TO: Position Title and Number SUPERVISORY MINE SAFETY AND HEALTH SPE 00018808 PP0315						
8. Pay Plan		9. Org. Code		10. Grade/Level		11. Step/Rate		12. Total Salary		13. Pay Basis	
				14		10				PA	
19A. Basic Pay		19B. Locality Adj.		19C. Adj. Basic Pay		19D. Other Pay		20A. Basic Pay		20B. Locality Adj.	
21. Name and Location of Position's Organization MINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OFC OF THE ADMINISTRATOR FOR C COAL, DIST. 4 INSPECTION DIVISIO					22. Name and Location of Position's Organization MINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OFC OF THE ADMINISTRATOR FOR C COAL, DISTRICT 4 OFFICE, MT. HO DL MI0106090000000000 PP 04 2013						
EMPLOYEE DATA					24. Tenure		25. Agency Use		26. Veterans Preference for RIF		
23. Veterans Preference 1 None 2 5 Point 3 10 Point/Disability 4 15 Point/Compensable 1 5 Point 10 Point/Compensable					1 None 2 Conditional 3 Permanent 4 Indefinite				YES X NO		
27. FEGLI Z5 BASIC-STANDARD-5X ADDITIONAL-5X FAM					28. Annuitant Indicator 9 NOT APPLICABLE		29. Pay Rate Determinant 0				
30. Retirement Plan 1 CS					31. Service Comp. Date (Leave) 09/29/82		32. Work Schedule F FULL TIME		33. Part-Time Hours Per Biweekly Pay Period		
POSITION DATA					35. FLSA Category E Except N Nonexempt		36. Appropriation Code		37. Bargaining Unit Status 8888		
34. Position Occupied 1 Corporation Service 2 Nonprofit Service 3 MSA General 4 MSA Career/Retiree					39. Duty Station (City - County - State or Overseas Location) MOUNT HOPE FAYETTE WV						
38. Duty Station Code 54-1870-019											
40. Agency Data		41		42		43		44			
45. Remarks The employee was informed in advance of the condition(s) of this position. Merit Staffing Exception. This position is outside the bargaining unit. Position is at the full performance level.											

46. Employing Department or Agency

DEPARTMENT OF LABOR

47. Agency Code

DE MI

48. Personnel Office ID

3392

49. Approval Date

02/16/13

50. Signature/Authentication and Title of Approving Official

E/S BY: CRYSTAL L. GUY

HUMAN RESOURCES OFFICER

POSITION DESCRIPTION (Please Read Instructions on the Back) C-01-4-46 SLOON						1. Agency Position No. CBP11401	
2. Reason for Submission <input checked="" type="checkbox"/> Redescription <input type="checkbox"/> New <input type="checkbox"/> Reestablishment <input type="checkbox"/> Other		3. Service <input type="checkbox"/> Hdqrs. <input checked="" type="checkbox"/> Field		4. Employing Office Location Philadelphia, PA		5. Duty Station Mount Hope, WV	
6. Explanation (Show any positions replaced) Replaces VC91012001, GM-1822-14		7. Fair Labor Standards Act <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt		8. Financial Statements Required <input type="checkbox"/> Executive Personal Financial Disclosure <input type="checkbox"/> Employment and Financial Interests		9. Subject to IA Action <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10. Position Status <input checked="" type="checkbox"/> Competitive Excepted (Specify in Remarks) SES (Gen.) <input type="checkbox"/> SES (CR) <input type="checkbox"/>		11. Position Is: 2 Supervisory Managerial Neither		12. Sensitivity <input checked="" type="checkbox"/> 1-Non-Sensitive <input type="checkbox"/> 3-Critical Sensitive <input type="checkbox"/> 2-Noncritical Sensitive <input type="checkbox"/> 4-Special Sensitive		13. Competitive Level Code GM-1822.30.01-14	
14. Agency Use A		15. Classified/Graded by		Official Title of Position		Pay Plan	
a. U.S. Office of Personnel Management							
b. Department, Agency or Establishment							
c. Second Level Review							
d. First Level Review		Supervisory Coal Mine Safety & Health Inspector		GM		1822 14	
e. Recommended by Supervisor or Initiating Office							
16. Organizational Title of Position (If different from official title) Assistant District Manager				17. Name of Employee (If vacant, see 16) Lincoln L. Selfe Jr.			
18. Department, Agency, or Establishment Department of Labor				a. Third Subdivision District 4 Inspection Division			
a. First Subdivision Mine Safety & Health Administration				d. Fourth Subdivision Mount Hope, West Virginia			
b. Second Subdivision Coal Mine Safety & Health				e. Fifth Subdivision			
19. Employee Review—This is an accurate description of the major duties and responsibilities of my position.				Signature of Employee (optional)			
20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.							
a. Typed Name and Title of Immediate Supervisor Michael J. Lawless District Manager				b. Typed Name and Title of Higher-Level Supervisor or Manager (optional) Robert A. Elam Deputy Administrator for CMS&H			
Signature M. Lawless		Date 4/6/95		Signature Robert A. Elam		Date 4/17/95	
21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.				22. Position Classification Standards Used in Classifying/Grading Position			
Typed Name and Title of Official Taking Action R. B. KNIGHT Position Classification Specialist				Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.			
Signature R. B. Knight		Date 5/22/95					
23. Position Review		Initials		Date		Initials	
a. Employee (optional)							
b. Supervisor							
c. Classifier							
24. Remarks							

VC 95177001

25. Description of Major Duties and Responsibilities (See Attached)

NEW YEAR 2001 2002

Standard Edition 11/98

GSA 11/95

OF 1 (Rev. 1-85)

Supervisory Mine Safety and Health Inspector
(Assistant District Manager for Inspection Programs)
GM-1822-14

Introduction

This position is located in a Coal Mine Safety and Health (CMS&H) District organization. The incumbent of this position serves as an Assistant District Manager exercising administrative and technical responsibility for the management and oversight of inspection activities throughout the district as required by the Federal Mine Safety and Health Act of 1977 (P.L. 95-164) (Mine Act). The inspection program consists of inspection activities and accident investigations in the immediate offices of the District and Assistant District Managers and the field offices. The incumbent has staff and line responsibilities over field office supervisors who oversee the work of inspection personnel.

Major Duties and Responsibilities

1. Directs the inspection program throughout the District and ensures that all safety and health inspections and accident investigations are carried out according to the Mine Act; ensures that deadlines are met and proper coordination is maintained between the Assistant District Manager's office and other organizations within the Agency.
2. Reviews inspection program operations in the District; identifies and resolves problems or recommends to the District Manager adjustments to the inspection program; ensures district inspection activities are in compliance with Agency policies; consults with other District Managers and supervisors on work-related changes to enhance consistency in implementation of Agency policies, guidelines, and directives.
3. Advises the District Manager and field personnel on a full range of health and safety activities, court and/or hearing proceedings, and technical and administrative matters; incumbent is subject to call at any time to offer testimony of fact at hearings and court proceedings on appeals presented under provisions of the Mine Act.
4. Serves as Acting District Manager in the absence of the District Manager and directs all District activities.
5. Acts as a consultant and advisor on mine health and safety activities to State mining, health, inspection and commerce officials; with mining industry officials; with management and labor officials; and with independent mine owners for the purpose of rendering expert advice and explaining the provisions of the Federal coal mining laws; represents the District Manager at technical meetings, conferences, and seminars.

6. Directs, coordinates and/or assists in on-site rescue and recovery operations following mine explosions, fires and other mine disasters.
7. Accompanies inspectors, engineers, and other employees, during their regular or special assignments in coal mines and related plants to assure the utmost work efficiency and quality, and makes personal examinations of underground and surface coal mining operations to keep fully informed on the latest technical developments in mining processes and equipment.
8. Serves as a member of various MSHA committees established to develop MSHA policy and guidelines regarding the inspection programs. As an acknowledged specialist on the inspection program and all aspects of coal mine operations, aids the committees in establishing reasonable technical requirements for implementation of the Mine Act; reviews proposed regulatory and programmatic changes; and provides advice on the probable impact of changes on the inspection program and recommends adjustments.
9. Directly or indirectly supervises a large staff of professional, technical, and support personnel located throughout the District; selects or recommends the selection of subordinate staff; makes decisions on work problems presented by subordinate supervisors; evaluates performance or reviews evaluations made by subordinate supervisors; reviews or resolves serious complaints or disciplinary cases.

EEO: As a supervisor, incumbent is responsible for ensuring equal opportunity for all employees supervised by identifying areas where meaningful steps toward equal opportunity are necessary in all facets of personnel management. In the selection of employees for training, promotion, awards, and recognition, and other career development opportunities, is responsible for assisting every employee to develop skills so that the employee may attain a full utilization of talents. The supervisor also insures fair and unprejudiced employment practices in the recruitment and selection of candidates for appointments to positions and is responsible for initiating and supporting programs relating to the training and the advancement of employees in "dead-end" positions. ~~Is responsible for~~ actively supporting the Equal Opportunity Program in day-to-day activities and is evaluated on performance in this area on a regular basis.

LMR: Regardless of the status of local employee organizations, supervisor is responsible for being knowledgeable about management's role and responsibilities

in labor management relations. Where a local agreement is in effect, is responsible for becoming completely familiar with the terms of agreement.

Safety: As a supervisor, incumbent is responsible for the on-the-job safety and health of all employees under the District's jurisdiction. Initiates efforts conforming to established local and MSHA safety programs to satisfy this responsibility. Responsibilities include identifying and correcting job safety and health hazards; instructing employees on safety requirements for job assignments; reviewing and reporting loss incidents, in accordance with MSHA and Office of Employees' Compensation regulations; initiating corrective measures for violations of the Occupational Safety and Health Act standards, and directing the periodic inspection of all work places.

Factors

1. Knowledge Required by the Position

Comprehensive knowledge of coal mining or extensive practical experience in coal mining and health and safety practices and procedures.

Comprehensive knowledge of the enforcement activities required under the Federal Coal Mine Safety and Health laws, regulations, policies and procedures.

Managerial and supervisory knowledge in order to effectively manage a complex office and motivate individuals to effectively and equitably enforce CMS&H regulations.

Thorough knowledge of CMS&H and other MSHA organizations and their respective individual programs and policies.

Substantial skill in oral and written communications.

2. Supervisory Controls

Performs under the direction of the District Manager for CMS&H, operating within the framework of prescribed Agency and departmental policies and guidelines. Exercises independence in planning and scheduling District inspection operations. ~~Results of incumbent's work are evaluated in~~ terms of effectiveness of programs; adherence to Agency policies and achievement of program objectives.

3. Guidelines

Incumbent is guided by the Mine Safety and Health Act of 1977 and other Federal, departmental, MSHA and CMS&H policies, procedures, directives, and administrative and technical guidelines in the field of management and administration. Where guidance is vague or unclear incumbent has substantial latitude for interpreting and applying policies, guidelines, procedures, etc.

4. Complexity

The incumbent must apply knowledge, experience, and seasoned judgement in planning and coordinating various safety and health programs and enforcing a wide range of safety and health standards which are continually being issued, revised and amended. Enforcement of these standards often leads to controversial and complex actions which have to be negotiated in a sensitive manner.

5. Scope and Effect

The responsibilities of this position encompass the enforcement of all coal mine safety and health standards and regulations in a uniform and equitable manner, which contributes to the overall effectiveness of the CMS&H organization and enhances the mission of MSHA.

The enforcement responsibilities and the sanctions imposed by the incumbent are of economic, social, and frequently political in nature, and the incumbent must effectively deal with grieved parties while protecting and promoting, as their paramount responsibility, the health, safety and welfare of the thousands of workers employed in the industry. The incumbent, as a representative of the Secretary, has the responsibility and authority to cease the operation of a mine if the incumbent detects a violation of regulations felt sufficiently severe to endanger the health and safety of miners. Decisions may adversely affect both the company and the employees in that the financial burden of compliance under certain circumstances could cause closure of the mine.

~~According to the National Safety Council, underground coal~~ mining is the most dangerous occupation in America based on accidental death and serious injury rates. There is intense interest in mineral industry health and safety from the White House, the Congress, the Department of Labor, the mineral and allied industries, and the public. Consequently, the mineral and allied industries and other similar positions have an effect on the work program of the Agency,

the Department and the Federal government, and must meet the rigid requirements and high standards of a wide range of interest and a very wide sector of the public.

6. Personal Contacts

The incumbent interacts with corporate officials and high-level managers across a wide spectrum of the public sector and the Federal government including: Department of Labor, MSHA, CMS&H, other Federal agencies, State agencies, the mining industry, labor organizations and the academic community.

7. Purpose of Contacts

Regularly meets with high-level officials for the purpose of rendering expert advice and explaining the provisions of the law. Confers with employees of the district to execute the administrative, technical and enforcement responsibilities of the organization.

8. Physical Demands

Works in a basically sedentary environment; however, may travel to mine sites as necessary, requiring that the incumbent be physically capable of performing arduous duties of the position without hazard to himself/herself or fellow employees, and be capable of sustained physical exertion and high levels of pressure and stress.

9. Work Environment

Works primarily in an office setting; however, trips to mining operations are necessary. Work underground may be in close confinement, in and out of small spaces, where dampness and low water areas are expected. Crawling on hands and knees is common practice. Climbing ladders without convenient rest stations is a possibility. On occasion, may operate with little light, and be frequently exposed to dust, gases and fumes.

Performance Management Plan for Managers and Supervisors

A. General Information

1. Employee Name (last, first, middle)
Selfe, Lincoln L., Jr.

2. Organization
MSHA

3. Title, Series, Grade
Assistant District Manager, GS-1822-14

4. Appraisal Period (mm/dd/yyyy)
11-16-09 to 10/25/2010

5. Supervisory Status ☒ Code 2 – Supervisor or Manager

B. Performance Elements and Standards Certification

1. I certify that this performance plan contains accurate performance elements and standards that:

- ☒ Link at least one critical element to specific Department, Agency, and/or organizational strategic goal.
- ☒ Hold the employee accountable for measurable and observable results.
- ☒ Link to the employee's position description and reflect the duties and responsibilities assigned to the employee.

2. Rating Official Signature *Robert G. Hardman* Date (mm/dd/yyyy) *11/16/2009*

3. Rating Official Name (last, first, middle)
Hardman, Robert G.

4. Rating Official Title
District Manager

5. Prototype Standards? ☒ Yes ☐ No

C. Position Description Certification

1. Position description is correct? ☒ Yes ☐ No (If No, Explain below.)

2. Rating Official Signature *Robert G. Hardman* Date (mm/dd/yyyy) *11/16/2009*

3. Rating Official Name (last, first, middle)
Hardman, Robert G.

4. Rating Official Title
District Manager

D. Establishment of the Performance Management Plan

1. We have discussed this plan and written comments are attached.
☒ Yes ☐ No *Discussed / No comments*

2. Employee Signature *Lincoln L. Selfe* Date (mm/dd/yyyy) *11-16-2009*

3. Rating Official Signature *Robert G. Hardman* Date (mm/dd/yyyy) *11/16/2009*

4. Rating Official Name (last, first, middle)
Hardman, Robert G.

5. Rating Official Title
District Manager

6. Reviewing Official Signature *Charles J. Thomas* Date (mm/dd/yyyy) *11-16-2009*

7. Reviewing Official Name (last, first, middle)
THOMAS, CHARLES J.

8. Reviewing Official Title
Acting Deputy Administrator for C&H

E. Mid-Term Progress Review Certification

1. The mid-term progress review has been conducted. ☒ Yes ☐ No (If No, Explain below.)

2. Employee Signature *Lincoln L. Selfe* Date (mm/dd/yyyy) *04/28/2010*

3. Rating Official Signature *Robert G. Hardman* Date (mm/dd/yyyy) *04/28/2010*

4. Rating Official Name (last, first, middle)
HARDMAN, ROBERT G.

5. Rating Official Title
DISTRICT MANAGER

F. Performance Appraisal and Rating

1. Indicate Performance appraisal and rating below.

<input checked="" type="checkbox"/> Exemplary	Exceed standards for all elements	2. We have discussed this appraisal written comments are attached. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> Highly effective	Exceed standards for 50% or more elements but not all; meets standards for all other elements	
<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standards for less than 50% of elements	
<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements	
<input type="checkbox"/> Unsatisfactory	Fail to meet standards on one or more elements	

3. Purpose of Appraisal ☐ Interim Rating ☒ Rating of Record

7. Employee Signature *Lincoln L. Selfe* Date (mm/dd/yyyy) *10/20/2010*

8. Reviewing Official Signature *Charles J. Thomas* Date (mm/dd/yyyy) *10/25/2010*

9. Reviewing Official Name (last, first, middle)
Thomas, Charles J.

10. Reviewing Official Title
Deputy Administrator for C&H

4. Rating Official Signature *Robert G. Hardman* Date (mm/dd/yyyy) *10/20/2010*

5. Rating Official Name (last, first, middle)
HARDMAN, ROBERT G.

6. Rating Official Title
DISTRICT MANAGER

G. Performance Summary

1. For each element, select the appropriate rating. Element ratings: E = Exceed; M = Meet; NI = Need to Improve; F = Fail

Managerial Competency Elements	Element Rating			
	E	M	NI	F
Leadership	X			
Resource Management	X			
Coalition Building and Communication	X			
Problem Solving and Initiative	X			
Equal Employment Opportunity		X		

Organizational Performance Elements	Element Rating			
	E	M	NI	F
Result 1	X			
Result 2	X			
Result 3	X			
Result 4	X			

H. Other Significant Accomplishments

1. Please describe other significant accomplishments in the space below.

I. Managerial Competency Elements**1. Leadership**

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, consistent with key Agency policies and priorities and economic, political, and social trends affecting the organization.
- Anticipates and meets the needs of clients/customers. Sets standards for customers' needs and satisfaction and meets them.
- Uses Agency performance plans and other management systems to link individual performance to outcomes and to overall organizational performance objectives.
- Promotes and maintains diverse and inclusive workforce by actively recruiting and hiring from diverse applicant pools; fostering collaboration with individuals from diverse backgrounds, perspectives, and experiences; ensuring opportunities for growth exist equitably for all employees; and providing fair and equitable recognition of accomplishments for all employees.

Narrative

See narrative attached.

2. Resource Management☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail**Performance Standard for Meet**

- Ensures that staff are appropriately selected, utilized, appraised and developed. Actively develops the talent of the staff and develops qualified candidates for positions in the organization.
- Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.
- Uses informal training, continuous managerial assessments, frequent and constructive feedback and appropriate recognition to promote staff morale and to ensure quality work products and customer service.
- Proactively works to maintain a safe workplace and to prevent accidents, injuries and illness. Resolves conflicts in a positive and constructive manner.
- Assures that the organizational budget is administered in a manner that supports the accomplishment of program goals and reflects sound financial management.
- Develops, implements, and maintains strategic and operational plans to facilitate the achievement of program responsibilities, assigned under the American Recovery and Reinvestment Act (ARRA) provisions, consistent with the Secretary's enduring vision of *Good Jobs for Everyone*. Assures that allocated ARRA funds are administered in accordance with the Department's "Operating Plans for Departmental Management Funds in the American Recovery and Reinvestment Act", and complies with Departmental requirements for accurate recording and reporting of ARRA-related activities and resource utilization.
- Actively recruits to attract and select qualified applicants with the competencies needed to successfully meet Departmental Fiscal Year 2010 hiring goals by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.

Narrative

See narrative attached.

3. Coalition Building and Communication☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail**Performance Standard for Meet**

- Promotes an open, communicative environment where staff can readily access resources and move forward to accomplish common goals and tasks. Handles workplace disputes promptly and effectively.
- Makes clear to staff what is expected of them both individually and as a team/group; clarifies the extent of their authority.
- Effectively represents the Department and the program agency internally and externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

Narrative

See narrative attached.

4. Problem Solving and Initiative

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Stresses innovation and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.
- Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results.

Narrative

See attached narrative.

5. Equal Employment Opportunity

☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation; ensures EEO principles are adhered to throughout the organization.

Narrative

J. Organizational Performance Elements

At the beginning of the performance cycle, the rating official must provide, in Section J, four critical, results-specific elements and standards, at least one of which demonstrates linkage with the Secretary's vision of *Good Jobs for Everyone* that the employee will be held accountable for during the performance cycle. Each performance standard must be written at the Meets level and includes measures of performance such as quality, quantity, timeliness and cost effectiveness. Standards should be clear and not include detailed milestones or descriptions of the process and methods used to achieve the results.

In assigning a rating to each element, please rate the employee at one of the following four levels and include a written narrative as appropriate:

- Exceeds described level of performance (narrative required)
- Meets described level of performance (narrative not required)
- Needs to Improve in order to meet the level of performance (narrative required)
- Fails to meet described level of performance (narrative required)

Result #1

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the mining fatality injury incidence rate in the District's Coal mines in accordance with the performance goals and indicators.

Demonstrates efforts toward the reduction of the ALL injury incidence rate in the District's Coal mines in accordance with the performance goals and indicators.

Monitor mine safety and health program area to ensure that citations/orders are timely terminated, Hazard Condition Complaints are timely processed, and mine plan approvals are evaluated in a timely manner.

Performance Standard

Performance is satisfactory when:

A 5% reduction in FY10 from the average number of fatalities for FY2005 – FY2009.

The status of citations issued is monitored for timeliness of abatement. Performance will be measured by the degree to which the District is able to terminate citations within the period established by policy for abatement, Hazard Condition Complaints are timely processed, and mine plan approvals are evaluated in a timely manner. Progress will be measured by using a variety of reports.

Narrative

See attached narrative.

Result #2

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the fatalities and injuries in the District's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality.

Incumbent monitors MSHA Coal Key Indicator and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of the District's geography and work load when determining acceptable average performance baselines.

Performance Standard

Performance is satisfactory when:

The incumbent demonstrates the use of the MSHA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. The incumbent must ensure that the completion rate of all E01 inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all E01 inspections at 100% will be for all coal mines district-wide.

Narrative

See attached narrative.

Result #3

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Take appropriate action to ensure the District achieves a 2% reduction from the previous year for dust and noise sample results exceeding the allowable limits.

Performance Standard

Performance is satisfactory when:

In your respective District, focused inspections are used to target the most egregious and persistent violators; conduct special emphasis Respirable coal mine dust and noise inspections in FY 2010; continually review noise controls in situations of continuing non-compliance to determine if all feasible noise controls have been applied; revise and improve coal mine dust-related inspections based on lessons learned in the "Dust Busters" effort; conduct quarterly reviews of sampling data; initiate systematic reviews of the quality of dust controls in approved mine ventilation and dust control plans during the six-month review of the plans to foster continuous improvement.

Narrative

See attached narrative.

Result #4

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Goal 10 – Voice in the Workplace:

Use all available tools in an effort to reduce and/or eliminate the inconsistent enforcement of MSHA regulations, the Mine Act and the MINER Act.

Use all available tools in an effort to reduce and/or eliminate the deficiencies identified in Accountability, District and Peer reviews. Incumbent will review findings noted in such reviews and timely implement corrective actions.

Performance Standard

Performance is met when:

- (1) MSHA handbook, policy and procedures have been followed;
- (2) Required Mine visits are completed;
- (3) Demonstrated efforts have been made to reduce or eliminate repeat audit findings and personnel are trained as necessary;
- (4) Field Activity and Second Level reviews are accurately completed and all deficiencies are addressed;
- (5) There are clear demonstrated efforts made to help assure consistency in citations/orders issued;
- (6) Hazard Condition Complaints are timely processed;
- (7) Conferences and contested cases are conducted in accordance with MSHA handbook, policy and procedural guidance. All reductions or changes by a District CLR during conferences or contested cases have been made with good reason and clear documentation provided. All settlement proposals have been reviewed and approved by MSHA management prior to settlement and proper documentation maintained; and
- (8) Mine plan approvals have been adequately evaluated and appropriate approval/disapproval conducted.

Narrative

See attached narrative.

Leadership

- established, monitored, and accomplished goals consistent with National objectives
- selected and developed staff to meet the needs of the Agency
- made himself available to assist others and other offices with problem solving
- conducted numerous meetings with mine operators and miners to address district goals and expectations
- set an example for his employees to enhance the professionalism among the District 4 employees
- instrumental in coordinating the Southern West Virginia Mine Rescue, Bench, First Aid, and Pre-Shift Contest

Resource Management

- has been active to assist in staff selections for the district
- engages with newly hired inspectors to ensure they are receiving proper training and staying on their training schedules
- monitors programs in the district, tracks, evaluates, and provides feedback to the personnel involved to ensure objectives are being met in a timely manner
- has monitored manpower needs and adjusted manpower among his offices to ensure completion of the mandated inspections
- serves on the district accident review board

Coalition Building and Communication

- manager has developed working relationships with other facets of MSHA (Headquarters, Technical Support, and Mine Emergency Operations) that facilitates meeting Agency goals
- throughout the Fiscal Year the manager has been requested to address mine management and mine examiners to clarify expectations for their responsibilities and has addressed as many as 60 managers in one meeting
- had routine meetings with employees to gather their input when addressing problems or implementing new procedures, drawing on both their education and experience
- worked very closely with the other ADMs to ensure adequate oversight is in place for the field offices
- worked closely with the other facets and mine rescue teams during the Upper Big Branch Mine -South recovery
- worked very close with the State Agency to plan and coordinate the Southern West Virginia Mine Rescue Contest

Problem Solving and Initiative

- has been sought by and assisted the field office supervisors with problems and issues that have developed in the field offices
- has worked closely with the technical services groups to gain better plans that are concise and easy for the inspectorate and the miners to understand
- has been sought by technical services groups and mine operators to evaluate and provide input into seal breach and exploration plans. Due to his mine rescue and recovery experiences he has been able to assist and help them address issues and develop conscientious plans that protect the teams during exploration and recovery operations
- worked the Command Center and assisted with the exploration and recovery of the Upper Big Branch Mine - South

Result #1

- worked aggressively during FY 10 to improve the safety culture at the mines under his jurisdiction
- conducted numerous meetings with both miners and mine management to address safety issues and how they affect the decisions made by mine management
- monitored manpower usage and reallocated resources to ensure 100% inspection completions
- monitored Inspection Division 1 enforcement and addressed compliance challenged mines through mine visits and on-site meetings with the mine operators and miners
- During FY 10 Inspection Division 1 inspectors issued 10,239 citations and orders. The S&S rate was 31% and elevated enforcement was used for 370 issuances.

Result #2

- - worked aggressively during FY 10 to improve the safety culture at the mines under his jurisdiction
- conducted numerous meetings with both miners and mine management to address safety issues and how they affect the decisions made by mine management
- monitored manpower usage and reallocated resources to ensure 100% inspection completions

- monitored Inspection Division 1 enforcement and addressed compliance challenged mines through mine visits and on-site meetings with the mine operators and miners
- During FY 10 Inspection Division 1 inspectors issued 10,239 citations and orders. The S&S rate was 31% and elevated enforcement was used for 370 issuances
- the manager worked closely with the specialist groups to improve the plan quality for the mines under our jurisdiction
- all headquarters initiatives were conducted to meet agency expectations and performed in a timely manner

Result #3

- the manager worked closely with the health group and District Manager to address and improve dust-control plans for the Inspection Division 1 mines.
- The most recent respirable dust GPRA report indicates that all four Division 1 offices met their GPRA goals for respirable dust
- the most recent noise exposure GPRA report indicates that all four Division 1 offices met their GPRA goals for noise exposures

Result #4

- the manager supports and encourages participation in MSHA's safety and health program through proactive and reactive actions, utilizing monthly staff meetings, quarterly safety meetings, one-on-one contacts, accident analysis and dissemination of information to increase employee awareness of accidents and accident prevention
- the manager makes quarterly visits to the field offices and makes on-site safety inspections of the offices
- the manager has made numerous field office and mine visits during which he always observes condition of the offices and use of PPE, and work practices of the employees

- the manager leads by example to promote the health and safety for the employees.

Performance Management Plan for Managers and Supervisors



A. General Information											
1. Employee Name (last, first, middle) Selfe, Lincoln L.	2. Organization Mine Safety and Health Administration										
3. Title, Series, Grade ASSISTANT DISTRICT MANAGER, GS-1822-14	4. Appraisal Period (mm/dd/yyyy) 11/16/2010 to 10/25/2011										
5. Supervisory Status <input checked="" type="checkbox"/> Code 2 - Supervisor or Manager											
B. Performance Elements and Standards Certification											
1. I certify that this performance plan contains accurate performance elements and standards that:											
<input checked="" type="checkbox"/> All critical results elements link to the Agency's operating plan. <input type="checkbox"/> Hold the employee accountable for measurable and/or observable results. <input type="checkbox"/> Link to the employee's position description and reflect the duties and responsibilities assigned to the employee.											
2. Rating Official Signature <i>Robert G. Hardman</i>	Date (mm/dd/yyyy) 11/15/2010										
3. Rating Official Name (last, first, middle) Hardman, Robert G.											
4. Rating Official Title District Manager											
6. Prototype elements and/or standards <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No											
C. Position Description Certification											
1. Position description is correct? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, explain below.)	2. Rating Official Signature <i>Robert G. Hardman</i>										
	Date (mm/dd/yyyy) 11/15/2010										
	3. Rating Official Name (last, first, middle) Hardman, Robert G.										
	4. Rating Official Title District Manager										
D. Establishment of the Performance Management Plan											
1a. I discussed this plan with employee. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1b. Employee written comments are attached. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
3. Rating Official Signature <i>Robert G. Hardman</i>	Date (mm/dd/yyyy) 11/15/2010										
4. Rating Official Name (last, first, middle) Hardman, Robert G.	5. Rating Official Title District Manager										
6. Reviewing Official Signature <i>Charles F. Thomas</i>	Date (mm/dd/yyyy) 11-15-2010										
7. Reviewing Official Name (last, first, middle) Thomas, Charles F.	8. Reviewing Official Title Deputy Administrator for CMS&H										
E. Mid-Term Progress Review Certification											
1. The mid-term progress review has been conducted. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, explain below.)	2. Rating Official Signature <i>Robert G. Hardman</i>										
	Date (mm/dd/yyyy) 04-19-2011										
	3. Rating Official Name (last, first, middle) HARDMAN, ROBERT G.										
	4. Rating Official Title DISTRICT MANAGER										
F. Performance Appraisal and Rating											
1. Indicate performance appraisal and rating below.											
<table border="1"> <tr> <td>Exemplary</td> <td>Exceed standards for all elements</td> </tr> <tr> <td><input checked="" type="checkbox"/> Highly Effective</td> <td>Exceed standards for 50% or more elements but not all; meet standards for all other elements</td> </tr> <tr> <td><input type="checkbox"/> Effective</td> <td>Meet standards for all elements and may exceed standards for less than 50% of elements</td> </tr> <tr> <td><input type="checkbox"/> Minimally Satisfactory</td> <td>Need to improve performance for one or more elements</td> </tr> <tr> <td><input type="checkbox"/> Unsatisfactory</td> <td>Fail to meet standards on one or more elements</td> </tr> </table>	Exemplary	Exceed standards for all elements	<input checked="" type="checkbox"/> Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements	<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standards for less than 50% of elements	<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements	<input type="checkbox"/> Unsatisfactory	Fail to meet standards on one or more elements	2a. I discussed this appraisal with employee. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 2b. Employee written comments are attached. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Exemplary	Exceed standards for all elements										
<input checked="" type="checkbox"/> Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements										
<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standards for less than 50% of elements										
<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements										
<input type="checkbox"/> Unsatisfactory	Fail to meet standards on one or more elements										
3. Purpose of Appraisal <input type="checkbox"/> Interim Rating <input checked="" type="checkbox"/> Rating of Record	7. Employee Signature <i>Lincoln L. Selfe</i>										
	Date (mm/dd/yyyy) 10/14/2011										
4. Rating Official Signature <i>Charles E. Stricklin</i>	8. Reviewing Official Signature <i>Charles E. Stricklin</i>										
Date (mm/dd/yyyy) 10-14-11	Date (mm/dd/yyyy) 10/25/2011										
5. Rating Official Name (last, first, middle) STRICKLIN, CHARLES E.	9. Reviewing Official Name (last, first, middle) Stricklin, Kevin G.										
6. Rating Official Title District Manager	10. Reviewing Official Title Administrator for cms&h										

G: Performance Summary

1. For each element, select the appropriate rating. Element ratings: E = Exceed; M = Meet; NI = Need to Improve; F = Fail

Managerial Competency Elements	Element Rating			
	E	M	NI	F
Leadership	X			
Resource Management	X			
Coalition Building and Communication	X			
Problem Solving and Initiative	X			
Equal Employment Opportunity and Diversity		X		

Results Elements	Element Rating			
	E	M	NI	F
Result 1	X			
Result 2	X			
Result 3	X			
Result 4	X			
Result 5				
Result 6				
Result 7				
Result 8				

H: Other Significant Accomplishments

1. Please describe other significant accomplishments in the space below.

I: Managerial Competency Elements**1. Leadership**

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard

- Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.
- Anticipates and meets the needs of clients/customers to provide better service. Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures to consider customer, stakeholder, and employee perspectives.
- Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.
- Links individual performance requirements to key organizational goals. Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings. Recognizes subordinate performance and teamwork.
- Promotes and adheres to the highest ethical standards of public service.

Narrative

Mr. Selfe has shown an excellent leadership ability in establishing, monitoring, and accomplishing the goals consistent with National objectives. Link possesses a quality of leadership unsurpassed by his peers. The enormous size and scope of mining in District 4 requires a leader in the enforcement division which is accepted by supervisors, inspectors and the mining industry. He has oversight of over 170 MMU inspections each quarter as well as mandated 103(i) inspections. Link has been instrumental in the selection and development of supervisors, inspectors and support staff and to establish a work force to meet the agency's mission. He has conducted numerous meetings with stakeholders, miners, legal staff and miners' representatives to provide guidance and leadership in the district. Link has worked closely with the district specialist, CLR, SI, health, roof control and ventilation departments to establish plans that provide the miners with a safe work place. He has been a leader in organizing and coordinating the Southern West Virginia Mine Rescue, Bench, First Aid and Pre-Shift Contest. Link has vast experience in mine rescue operations and provides this experience as a leader in the event of a mining disaster.

2. Resource Management☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail**Performance Standard**

- Understands the organization's financial processes. Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls.
- Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.
- Understands the impact of technological developments on the organization. Makes effective use of technology to achieve results. Ensures access to and security of technology systems.
- Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.

Narrative

Mr. Seife has an excellent working knowledge of mining and this provides him with an expertise in providing scheduling and direction of the district's enforcement group. Prior to the separation of District 4 into two districts, Link was the ADM for enforcement Group 1. He worked closely with Group 2's ADM in the concerted effort of conducting inspections, investigations and hiring of new inspectors and staff. Since the establishment of the new District 4, Link has been instrumental in providing the necessary personnel to field offices as well as the district, to complete all mandated inspections. He has provided resources to conduct impact inspections and provide an adequate enforcement personnel for accidents, complaints and 103(i) inspections. Link works closely with newly hired inspectors to ensure that they receive adequate training and that they have gotten training in a diverse number of skills and schedules. Link consistently reviews databases and programs to monitor the district to gather the most current information which he uses to track, evaluate and coordinate inspection activities. Although Link is understaffed, he has established an excellent track record for providing complete, thorough and comprehensive inspections to provide a safe work environment for each miner. He further provides this same level of safety to those of his staff and other inspectors.

3. Coalition Building and Communication☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail**Performance Standard**

- Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner.
- Stresses innovation, creativity, and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward.

Narrative

Mr. Seife has developed working relationships with other facets of MSHA (Headquarters, Technical Support, and Mine Emergency Operations) that facilitates meeting agency goals. Throughout the Fiscal Year, Link has been requested to address mine management and mine examiners to clarify expectations for their responsibilities and has address as many as 50 managers and examiners in one such meeting. He has conducted regular meetings with employees to gather their input to address problems or implementing new procedures, drawing on both their education and experience. Link has worked very closely with the other ADMs and supervisors to ensure adequate oversight is in place for the field offices. He has worked closely with the other facets and accident investigation teams during the Upper Big Branch Mine-South investigation. Link works very closely with other districts and the State Agency to plan and coordinate the Southern West Virginia Mine Rescue Contest. He excels in problem-solving and provides a keen sense of being able to convey solutions and alternative methods.

4. Problem Solving and Initiative☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail**Performance Standard**

- Effectively represents the Department and the organization internally and/or externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

Narrative

Mr. Selfe consistently works in cooperation with field office supervisors to address problems and issues that have developed in the field offices. Currently there are over 170 MMUs in District 4's inspection area. Link has shown a great ability to provide solutions to problems encountered by stakeholders as well as the inspection force. He has a "take charge" demeanor to take a proactive stance in potential problems and issues which arise on a daily basis. The constant change of personnel within the district has created a serious understaffing of personnel. Link has worked with his inspection group to ensure that mines are inspected as required by the Mine Act, regulation and policy and provide a safe working environment. Link has worked closely with the technical services groups to provide plans that provide safety to the miners and are concise and easy for the inspectors and miners to understand. He has been sought by technical services groups and mine operators to evaluate and provide input into seal breach and exploration plans for many mines. Due to his mine rescue and recovery experiences, he has been able to assist and help them to address issues and develop conscientious plans that protect the teams during exploration and recovery operations

5. Equal Employment Opportunity and Diversity☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail**Performance Standard**

- Promotes and maintains a diverse and inclusive workforce. Actively recruits and hires from diverse applicant pools. Foster collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees.
- Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs. Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization.

Narrative

Result Elements

Provides as many critical results-specific elements as are necessary to reflect the manager/supervisor's specific responsibilities in the implementation of their agency's operating plan. All elements and standards must be linked to the operating plan and should describe the specific major results to be achieved during the period of performance covered by the performance plan. Each performance standard must be written at the Meet level and include measures of performance such as quality, quantity, timeliness, and cost effectiveness. Standards should be clear and not include detailed milestones for descriptions of the process and methods used to achieve the results.

The rating official must appraise the managers/supervisors' performance relative to the critical results-elements performed. In assigning a rating to each critical results element, please rate the manager/supervisor at one of the following four levels and include a written narrative as appropriate:

- Exceeds described level of performance (narrative required)
- Meets described level of performance (narrative not required)
- Need to improve in order to meet the level of performance (narrative required)
- Falls to meet described level of performance (narrative required)

Fifty percent (50%) of the summary rating indicated in Section F1 is based on the manager/supervisor's performance relative to the critical results elements identified in this section. The remaining 50% is attributed to the manager/supervisor's demonstrated performance of the managerial competencies identified in Section I.

Result #1

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the mining fatality Injury Incidence Rate in the District's Coal mines in accordance with the performance goals and indicators.

Demonstrates efforts toward the reduction of the ALL Injury Incidence Rate in the District's Coal mines in accordance with the performance goals and indicators.

Monitor mine safety and health program area to ensure that citations/orders are timely terminated, Hazard Condition Complaints are timely processed, and mine plan approvals are evaluated in a timely manner.

Performance Standard

Performance is satisfactory when:

A 5% reduction in FY10 from the average number of fatalities for FY2005 – FY2009.

The status of citations issued is monitored for timeliness of abatement. Performance will be measured by the degree to which the District is able to terminate citations within the period established by policy for abatement, Hazard Condition Complaints are timely processed, and mine plan approvals are evaluated in a timely manner. Progress will be measured by using a variety of reports.

Narrative

Mr. Selfe has worked aggressively during FY11 to improve the safety culture at the mines under his jurisdiction. He conducted numerous meetings with both miners and mine management to address safety issues and how they affect the decisions made by mine management. Link as monitored manpower usage and reallocated resources to ensure 100% inspection completions. He has monitored Inspection Division I enforcement and addressed compliance challenged mines through mine visits and on-site meetings with the mine operators and miners. During FY11, Inspection Division I inspectors have issued more than 12,203 citations and orders, the S&S rate was 40% and elevated enforcement was used for 418 issuances.

Result #2☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the fatalities and injuries in the District's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality.

Incumbent monitors MSHA Coal Key Indicator and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of the District's geography and work load when determining acceptable average performance baselines.

Performance Standard

Performance is satisfactory when:

The incumbent demonstrates the use of the MSHA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. The incumbent must ensure that the completion rate of all E01 inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all E01 inspections at 100% will be for all coal mines district-wide.

Narrative

Mr. Seife has worked aggressively during FY11 to improve the safety culture at the mines under his jurisdiction. He has conducted numerous meetings with both miners and mine management to address safety issues and how they affect the decisions made by mine management. Link has monitored manpower usage and reallocated resources to ensure 100% inspection completions. He has monitored Inspection Division 1 enforcement and addressed compliance challenged mines through mine visits and on-site meetings with the mine operators and miners. During FY11, Inspection Division 1 inspectors issued 12,203 citations and orders. The S&S rate was 40% and elevated enforcement was used for 418 issuances. Link has worked closely with the specialist groups to improve the plan quality for the mines under our jurisdiction, often attending meetings to provide support for the specialists. He has been instrumental in the completion of all headquarters initiatives and that they were conducted to meet agency expectations and performed in a timely manner.

Result #3 ☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail
 In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and goal 10 – Voice in the Workplace:

Take appropriate action to ensure the District achieves a 2% reduction from the previous year for dust and noise sample results exceeding the allowable limits.

Performance Standard
 Performance is satisfactory when:

In your respective District, focused inspections are used to target the most egregious and persistent violators; conduct special emphasis Respirable coal mine dust and noise inspections in FY 2010; continually review noise controls in situations of continuing non-compliance to determine if all feasible noise controls have been applied; revise and improve coal mine dust-related inspections based on lessons learned in the "Dust Busters" effort; conduct quarterly reviews of sampling data; initiate systematic reviews of the quality of dust controls in approved mine ventilation and dust control plans during the six-month review of the plans to foster continuous improvement.

Narrative

Mr. Selfe's mining experience and expertise has provide him with an excellent working knowledge to improve dust-control plans for the Inspection Division 1 mines. He works closely with the District Manager and health group to provide oversight and compliance with dust and noise issues at the mine. He has worked with the field offices to ensure all dust sampling is conducted timely and that the plans and regulations are monitored and followed at each mine, and that health citations and orders are properly evaluated. Link works closely with planning and initiation of programs to provide a safe and healthy workplace for miners as well as his work group. He always reviews the health parameters for each mine and discusses health compliance during his mine visits. Working as a team, Link has been instrumental in providing adequate plans for each of the field offices. He provides sound recommendations to stakeholders and the members of the district inspection and specialist groups to ensure a safe and healthy workplace for the miners.

Result #4☒ Exceed ☐ Meet ☐ Need to improve ☐ Fail

In support of the Secretary's vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Goal 10 – Voice in the Workplace:

Use all available tools in an effort to reduce and/or eliminate the inconsistent enforcement of MSHA regulations, the Mine Act and the MINER Act.

Use all available tools in an effort to reduce and/or eliminate the deficiencies identified in Accountability, District and Peer reviews. Incumbent will review findings noted in such reviews and timely implement corrective actions.

Performance Standard

Performance is met when:

- (1) MSHA handbook, policy and procedures have been followed;
- (2) Required Mine visits are completed;
- (3) Demonstrated efforts have been made to reduce or eliminate repeat audit findings and personnel are trained as necessary;
- (4) Field Activity and Second Level reviews are accurately completed and all deficiencies are addressed;
- (5) There are clear demonstrated efforts made to help assure consistency in citations/orders issued;
- (6) Hazard Condition Complaints are timely processed;
- (7) Conferences and contested cases are conducted in accordance with MSHA handbook, policy and procedural guidance. All reductions or changes by a District CLR during conferences or contested cases have been made with good reason and clear documentation provided. All settlement proposals have been reviewed and approved by MSHA management prior to settlement and proper documentation maintained; and
- (8) Mine plan approvals have been adequately evaluated and appropriate approval/disapproval conducted.

Narrative

Mr. Selfe has provided support and encourages participation in MSHA's safety and health program through proactive and reactive actions, utilizing monthly staff meetings, quarterly safety meetings, one-on-one contacts, accident analysis and dissemination of information to increase employee awareness of accidents and accident prevention. Link manager makes quarterly visits to the field offices and makes on-site safety inspections of the offices. Link has made numerous field office and mine visits during which he always observes condition of the offices and use of PPE, and work practices of the employees. He has surpassed the necessary mine visits () to ensure that mines are providing compliance and a safe workplace for miners. Link leads by example to promote the health and safety for the employees and set a high standard for each person. He provides timely, accurate and detailed second level reviews and field activity reviews for his subordinates. He has a high level of consistency in the enforcement of regulation and policy and reviews databases and spreadsheet to ensure that citations and orders are timely abated. He provides guidance to field offices to address issues during audits and sets goals and plans in place to eliminate reoccurring deficiencies.